THIRTY SIXTH DAY

House Chamber, Olympia, Monday, February 17, 2014

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller 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 Columbia River Young Marines Color Guard. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Drew Hansen, 23rd District.

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

SPEAKER'S PRIVILEGE

The Speaker (Representative Moeller presiding) introduced the family of Captain Stover to the Chamber and asked the members to acknowledge them.

RESOLUTION

HOUSE RESOLUTION NO. 4677, by Representatives Chopp, Kristiansen, Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, G. Hunt, S. Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, and Zeiger

WHEREAS, The citizens of the state of Washington and of the United States of America for many years have reserved the third Monday in February as an exceptional celebration for Presidents' Day; and

WHEREAS, While Presidents' Day has paid specific, historical tribute both to President George Washington and to President Abraham Lincoln, this yearly tribute generally also extends to embrace and commend other former occupants of the White House, as well as the current United States Commander in Chief; and

WHEREAS, George Washington, born February 22, 1732, led the Revolutionary Army with courage and fortitude, defined the highest office in the land as the first president of the United States, and remained ever-mindful of his actions and the ramifications realized through his deeds; and

WHEREAS, Abraham Lincoln, born February 12, 1809, is remembered as the defender of the Union, as the author of the Emancipation Proclamation that freed the vast majority of slaves, and as a giant leader who strove mightily to rebuild the Union after the denouement of the Civil War; and

WHEREAS, In 1968, federal legislation, the "Uniform Monday Holiday Act," was approved in Congress. The act went into effect three years later to install the Presidents' Day celebration that we have come to know and respect; and

WHEREAS, In 1985, the Washington State Legislature singled out the third Monday in February as a day for commemorating the births of Presidents Washington and Lincoln; and

WHEREAS, It is recognized all over the world that this diverse, magnificent land of ours stands up for freedom and opportunity, thanks in very large measure to the robust foundation built by the tireless efforts of our forebearers, especially Presidents George Washington and Abraham Lincoln; and

WHEREAS, A Presidents' Day celebration would not be at all complete without recognizing the irreplaceable service of the first ladies in our American presidential history; and

WHEREAS, The first ladies of our nation are tremendous role models, illustrating so very well what it means to be an American, and serving throughout our history as representations of strength and courage; and

WHEREAS, Washington is the only state named for an American president, George Washington, the father of our country, and as such, we Washingtonians hold the presidency and presidents in exceptionally high esteem;

NOW, THEREFORE, BE IT RESOLVED, That on this seventeenth day of February, 2014, the House of Representatives honor the Presidents of the United States of America for their immense, immeasurable contributions to the cause of liberty and justice for all.

Representative Gregerson moved adoption of HOUSE RESOLUTION NO. 4677

Representatives Gregerson and Young spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4677 was adopted.

MESSAGE FROM THE SENATE

February 14, 2014

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6040
SENATE BILL NO. 6059
ENGROSSED SUBSTITUTE SENATE BILL NO. 6076
SUBSTITUTE SENATE BILL NO. 6124
SENATE BILL NO. 6133
ENGROSSED SUBSTITUTE SENATE BILL NO. 6137
SENATE BILL NO. 6143
SUBSTITUTE SENATE BILL NO. 6199
SENATE BILL NO. 6201
SENATE BILL NO. 6219

ENGROSSED SUBSTITUTE SENATE BILL NO. 6228
SUBSTITUTE SENATE BILL NO. 6250
SENATE BILL NO. 6358
SUBSTITUTE SENATE BILL NO. 6362
SENATE BILL NO. 6413
ENGROSSED SUBSTITUTE SENATE BILL NO. 6436
SUBSTITUTE SENATE BILL NO. 6446
ENGROSSED SUBSTITUTE SENATE BILL NO. 6499
ENGROSSED SUBSTITUTE SENATE BILL NO. 6512

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

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

INTRODUCTION & FIRST READING

HB 2788 by Representatives Sawyer, Muri, Haler, Reykdal, Lytton, Seaquist, Zeiger, Sells and Gregerson

AN ACT Relating to a review of employee classification practices and policies at institutions of higher education; and creating a new section.

Referred to Committee on Appropriations.

HB 2789 by Representatives Taylor, Goodman, Shea, Morris, Smith, Walkinshaw, Overstreet, Condotta, Moscoso, Ryu, Short and Scott

AN ACT Relating to technology-enhanced government surveillance; adding new sections to chapter 9.73 RCW; creating a new section; and prescribing penalties.

SB 5633 by Senators Conway and Schoesler

AN ACT Relating to restrictions on collecting a pension in the public employees' retirement system for retirees returning to work in an ineligible position or a position covered by another state retirement system; and amending RCW 41.40.037.

Referred to Committee on Appropriations.

2SSB 5973 by Senate Committee on Ways & Means (originally sponsored by Senators Rolfes, Pearson, Honeyford, Cleveland, Hargrove, Hewitt, Fraser, Litzow, Parlette, Kline and McAuliffe)

AN ACT Relating to the community forest trust account; amending RCW 43.30.385, 79.64.020, 79.64.040, and 79.155.090; reenacting and amending RCW 43.84.092 and 43.84.092; adding a new section to chapter 79.155 RCW; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Agriculture & Natural Resources.

SSB 5977 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Hobbs and Fain)

AN ACT Relating to the regulation of service contracts and protection product guarantees; and amending RCW 48.110.020.

Referred to Committee on Business & Financial Services.

SB 5979 by Senators Sheldon, King, Pearson and O'Ban

AN ACT Relating to provisions governing commercial motor vehicles; and amending RCW 46.37.140, 46.48.170, and 46.61.350.

Referred to Committee on Transportation.

ESSB 6016 by Senate Committee on Health Care (originally sponsored by Senators Rivers, Keiser, Cleveland, Tom, Kline and McAuliffe)

AN ACT Relating to the grace period for enrollees of the Washington health benefit exchange; adding a new section to chapter 43.71 RCW; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

SB 6022 by Senators O'Ban, Keiser and Conway

AN ACT Relating to the protection of state hospital workers; amending RCW 9A.36.031; and prescribing penalties.

Referred to Committee on Public Safety.

SSB 6046 by Senate Committee on Commerce & Labor (originally sponsored by Senators Keiser, Rolfes, Conway, Kohl-Welles, Braun, Honeyford and Kline)

AN ACT Relating to whistleblowers; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Labor & Workforce Development.

SSB 6058 by Senate Committee on Energy, Environment & Telecommunications (originally sponsored by Senators Brown, Dansel, Benton, Rivers, Schoesler, Padden, Bailey, Becker and Honeyford)

AN ACT Relating to allowing incremental electricity produced as a result of efficiency improvements to hydroelectric generation projects whose energy output is marketed by the Bonneville power administration to qualify as an eligible renewable resource under the energy independence act; amending RCW 19.285.040; and reenacting and amending RCW 19.285.030.

Referred to Committee on Technology & Economic Development.

2SSB 6062 by Senate Committee on Ways & Means (originally sponsored by Senators Hill, Litzow, Becker, Honeyford, Bailey, Hobbs, Angel, Fain, Braun and Tom)

AN ACT Relating to providing internet access to public school data and expenditure information; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

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SSB 6078 by Senate Committee on Governmental Operations (originally sponsored by Senators McCoy, Kohl-Welles and Conway)

AN ACT Relating to recognizing "Native American Heritage Day"; amending RCW 1.16.050 and 28A.150.050; and creating a new section.

Referred to Committee on Community Development, Housing & Tribal Affairs.

SSB 6095 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Kline and Roach)

AN ACT Relating to background checks for persons who will have access to children or vulnerable adults; and amending RCW 13.34.130, 43.43.842, and 43.20A.710.

Referred to Committee on Early Learning & Human Services.

2SSB 6096 by Senate Committee on Ways & Means (originally sponsored by Senators Pearson, McCoy, Brown and Roach)

AN ACT Relating to providing for property tax exemption for the value of new construction of industrial/manufacturing facilities in targeted urban areas; and adding a new chapter to Title 84 RCW.

Referred to Committee on Finance.

SB 6128 by Senators Litzow, McAuliffe, Hobbs, Dammeier, Tom and Mullet

AN ACT Relating to the delivery of medication and services by unlicensed school employees; adding a new section to chapter 28A.210 RCW; and creating a new section.

Referred to Committee on Education.

SSB 6145 by Senate Committee on Governmental Operations (originally sponsored by Senators Hatfield, Roach, Chase, Sheldon, Fraser and McAuliffe)

AN ACT Relating to declaring the Ostrea lurida the official oyster of the state of Washington; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

2SSB 6163 by Senate Committee on Ways & Means (originally sponsored by Senators Billig, Litzow, Frockt, Dammeier, McAuliffe, Rolfes, King, Tom, Kohl-Welles and Keiser)

AN ACT Relating to expanded learning opportunities; adding a new chapter to Title 28A RCW; and declaring an emergency.

Referred to Committee on Education.

SSB 6179 by Senate Committee on Commerce & Labor (originally sponsored by Senators Braun, Benton, Becker, Sheldon, Baumgartner, Brown, Schoesler, Rivers, Honeyford, Tom, Hewitt and Parlette)

AN ACT Relating to workers' compensation group self-insurance plans; and adding new sections to chapter 51.14 RCW.

Referred to Committee on Labor & Workforce Development.

SSB 6207 by Senate Committee on Natural Resources & Parks (originally sponsored by Senator Angel)

AN ACT Relating to fee immunity for certain water facilities; and amending RCW 4.24.210.

Referred to Committee on Judiciary.

SSB 6216 by Senate Committee on Transportation (originally sponsored by Senators Eide and King)

AN ACT Relating to county ferries; and adding a new chapter to Title 36 RCW.

Referred to Committee on Transportation.

SSB 6280 by Senate Committee on Transportation (originally sponsored by Senators King, Hobbs, Hatfield and Schoesler)

AN ACT Relating to department of transportation numbers for certain farm vehicles; and amending RCW 46.32.080.

Referred to Committee on Transportation.

SSB 6290 by Senate Committee on Commerce & Labor (originally sponsored by Senators Sheldon, Roach and Hill)

AN ACT Relating to miniature hobby boilers; and amending RCW 70.79.070 and 70.79.080.

Referred to Committee on Labor & Workforce Development.

ESSB 6297 by Senate Committee on Health Care (originally sponsored by Senators Becker and Kohl-Welles)

AN ACT Relating to providing information regarding childhood immunizations to pregnant women; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care & Wellness.

SB 6299 by Senators Becker, Keiser and Kohl-Welles

AN ACT Relating to prenatal nutrition education; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care & Wellness.

2SSB 6312 by Senate Committee on Ways & Means (originally sponsored by Senators Darneille, Hargrove, Rolfes, McAuliffe, Ranker, Conway, Cleveland, Fraser, McCoy, Keiser and Kohl-Welles)

AN ACT Relating to state purchasing of mental health and chemical dependency treatment services; amending RCW 71.24.015, 71.24.016, 71.24.025, 71.24.035, 71.24.045, 71.24.100, 71.24.110, 71.24.340, 71.24.420, 70.96A.020,

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70.96A.040, 70.96A.050, 70.96A.080, and 70.96A.320; amending 2013 c 338 s 1 (uncodified); adding a new section to chapter 71.24 RCW; adding a new section to chapter 43.20A RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

SB 6321 by Senators Bailey and Conway

AN ACT Relating to removing the statutory provision that allows members of plan 3 of the public employees' retirement system, school employees' retirement system, and teachers' retirement system to select a new contribution rate option each year; and amending RCW 41.34.040.

Referred to Committee on Appropriations.

2SSB 6330 by Senate Committee on Ways & Means (originally sponsored by Senator Sheldon)

AN ACT Relating to promoting affordable housing in unincorporated areas of rural counties within urban growth areas; amending RCW 84.14.007, 84.14.040, and 84.14.060; reenacting and amending RCW 84.14.010; and creating a new section.

Referred to Committee on Finance.

SSB 6387 by Senate Committee on Ways & Means (originally sponsored by Senators Hill, Hargrove, Ranker, Fain, Braun, Tom, Dammeier, Parlette, Becker, Schoesler, Hewitt, Bailey, King, Angel, Roach, Keiser, Litzow, Kohl-Welles, O'Ban, Conway and Benton)

AN ACT Relating to reducing the number of individuals with developmental disabilities who have requested a service but the provision of a specific service would exceed program capacity; amending RCW 71A.10.020 and 71A.16.050; and creating new sections.

Referred to Committee on Early Learning & Human Services.

SSB 6431 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Hargrove, Kohl-Welles, Liias, Kline, Rolfes, Parlette, Frockt, Pedersen and Conway)

AN ACT Relating to assistance for schools in implementing youth suicide prevention activities; amending RCW 28A.300.288; and creating a new section.

Referred to Committee on Education.

SSB 6439 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Liias, Litzow, McAuliffe, Billig, Kohl-Welles, Keiser, Pedersen, Mullet, Rolfes, Cleveland, Fraser and Frockt)

AN ACT Relating to preventing harassment, intimidation, and bullying in public schools; and amending RCW 28A.300.285.

Referred to Committee on Education.

SSB 6442 by Senate Committee on Commerce & Labor (originally sponsored by Senators Brown, Hatfield, Schoesler, Hobbs, Honeyford, Hewitt, Kohl-Welles, Keiser, Kline and Rolfes)

AN ACT Relating to allowing sales of growlers of cider; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Government Accountability & Oversight.

ESSB 6450 by Senate Committee on Natural Resources & Parks (originally sponsored by Senators Pedersen, Kohl-Welles, Pearson, Liias, Ericksen and Kline)

AN ACT Relating to on-water dwellings; amending RCW 90.58.270; and creating new sections.

Referred to Committee on Environment.

ESSB 6479 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Frockt, Fain, Darneille, Kohl-Welles, Rivers and Kline)

AN ACT Relating to providing caregivers authority to allow children placed in their care to participate in normal childhood activities based on a reasonable and prudent parent standard; reenacting and amending RCW 74.15.030; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Early Learning & Human Services.

E2SSB 6552 by Senate Committee on Ways & Means (originally sponsored by Senators Rolfes, Dammeier, Litzow, Rivers, Tom, Fain, Hill, Kohl-Welles, Mullet, McAuliffe and Cleveland)

AN ACT Relating to improving student success by modifying instructional hour and graduation requirements; amending RCW 28A.700.070, 28A.230.097, 28A.150.220, 28A.230.090, and 28A.150.260; and creating a new section.

Referred to Committee on Education.

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, HOUSE BILL NO. 2789 and HOUSE BILL NO. 2168 were removed from the suspension calendar and the bills were placed on the second reading calendar.

MESSAGES FROM THE SENATE

February 14, 2014

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6181

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

February 14, 2014

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MR. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6179

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1773, by House Committee on Health Care & Wellness (originally sponsored by Representatives Morrell, Rodne, Cody, Green, Ryu, Liias, Farrell and Santos)

Concerning the practice of midwifery.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1773 was substituted for Engrossed Substitute House Bill No. 1773 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1773 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 Morrell and Schmick spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Van De Wege, Representative Hurst was excused. On motion of Representative Holy, Representative Parker was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1773.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1773, and the bill passed the House by the following vote: Yeas, 91; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Overstreet, Scott, Shea, Taylor and Young.

Excused: Representatives Hurst and Parker.

SECOND SUBSTITUTE HOUSE BILL NO. 1773, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2646, by Representatives Cody, Tharinger, Harris, Senn, Morrell and Freeman

Providing certification exemptions and training requirements for certain individual provider long-term care workers.

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 Cody and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2646.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2646, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives Hurst and Parker.

HOUSE BILL NO. 2646, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2647, by Representatives Jinkins, Harris, Tharinger, Cody, Morrell and Freeman

Concerning electronic timekeeping for in-home personal care or respite services.

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 Jinkins and Harris spoke in favor of the passage of the bill.

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The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2647.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2647, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Scott.

Excused: Representatives Hurst and Parker.

HOUSE BILL NO. 2647, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2446, by Representatives Gregerson, Rodne, Carlyle, Dahlquist, Farrell, Springer, Freeman, Senn, Sullivan, Moscoso, Pettigrew, Magendanz, Pollet, Tarleton, Ryu, Stanford, Bergquist, Morrell and Tharinger

Simplifying procedures for obtaining an order for refund of property taxes.

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2446.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2446, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives Hurst and Parker.

HOUSE BILL NO. 2446, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1156, by Representatives Blake and Orcutt

Consolidating designated forest lands and open space timber lands for ease of administration.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1156 was substituted for House Bill No. 1156 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1156 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 Blake and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1156.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1156, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Stanford.

Excused: Representatives Hurst and Parker.

SUBSTITUTE HOUSE BILL NO. 1156, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2376, by Representatives Hayes, S. Hunt, Haler, Appleton, Zeiger, Farrell, Reykdal, MacEwen, Sawyer, Holy, Harris, Ross, Roberts, Springer, Wylie, Ryu, Morrell, Parker and Freeman

draft

Exempting agency employee driver's license numbers, identicard numbers, and identification numbers from public inspection and copying. (REVISED FOR ENGROSSED: Exempting agency employee driver's license numbers and identicard numbers from public inspection and copying.)

The bill was read the second time.

There being no objection, Engrossed Substitute House Bill No. 2376 was substituted for House Bill No. 2376 and the substitute bill was placed on the second reading calendar.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2376 was read the second time.

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

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

There being no objection, the House deferred action on. ENGROSSED SUBSTITUTE HOUSE BILL NO. 2376, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1820, by Representatives Bergquist, Fitzgibbon and Hurst

Determining average salary for the pension purposes of state and local government employees as certified by their employer.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1820 was substituted for House Bill No. 1820 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1820 was read the second time.

Representative Bergquist moved the adoption of amendment (736).

On page 46, line 22, after "July 1," strike "2013" and insert "2014"

Representatives Bergquist and Chandler spoke in favor of the adoption of the amendment.

Amendment (736) 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 Bergquist spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1820.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1820, and the bill passed the House by the following vote: Yeas, 90; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives DeBolt, Harris, Overstreet, Pike, Scott and Vick.

Excused: Representatives Hurst and Parker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2253, by Representatives Manweller, Sells, Johnson and Ryu

Concerning telecommunications installations.

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 Manweller and Sells spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2253.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2253, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives Hurst and Parker.

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HOUSE BILL NO. 2253, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2318, by Representatives Seaquist and Appleton

Addressing contractor liability for industrial insurance premiums for not-for-profit nonemergency medicaid transportation brokers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2318 was substituted for House Bill No. 2318 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2318 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 Seaquist and Manweller spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2318.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2318, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ortiz-Self, Orwall, Overstreet, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Ormsby.

Excused: Representatives Hurst and Parker.

SUBSTITUTE HOUSE BILL NO. 2318, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1402, by Representatives Stanford and Morrell

Adopting the insurer state of entry model act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1402 was substituted for House Bill No. 1402 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1402 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 Stanford and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1402.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1402, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives Hurst and Parker.

SUBSTITUTE HOUSE BILL NO. 1402, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2461, by Representatives Kirby and Ryu

Addressing the financial solvency of insurance companies.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2461 was substituted for House Bill No. 2461 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2461 was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2461.

ROLL CALL

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The Clerk called the roll on the final passage of Substitute House Bill No. 2461, and the bill passed the House by the following vote: Yeas, 82; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Dahlquist, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Christian, Condotta, DeBolt, G. Hunt, Holy, Overstreet, Pike, Roberts, Schmick, Scott, Shea, Taylor, Wilcox and Young.

Excused: Representatives Hurst and Parker.

SUBSTITUTE HOUSE BILL NO. 2461, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2440, by Representatives Fitzgibbon, Tharinger, Short and Ryu

Modifying the definition of "oil" or "oils."

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 Fitzgibbon and Short spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2440.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2440, and the bill passed the House by the following vote: Yeas, 90; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Dahlquist, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, DeBolt, Overstreet, Pike, Shea and Taylor.

Excused: Representatives Hurst and Parker.

HOUSE BILL NO. 2440, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2556, by Representatives Freeman, Rodne, Kagi and Pollet

Encouraging the establishment of therapeutic courts.

The bill was read the second time.

There being no objection, Engrossed Substitute House Bill No. 2556 was substituted for House Bill No. 2556 and the substitute bill was placed on the second reading calendar.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2556 was read the second time.

Representative Shea moved the adoption of amendment (753).

On page 5, after line 30, insert the following:

"(9) No therapeutic or specialty court may be established specifically for the purpose of applying foreign law, including foreign criminal, civil, or religious law, that is otherwise not required by treaty.

(10) No therapeutic or specialty court established by court rule shall enforce a foreign law, if doing so would violate a right guaranteed by the Constitution of this state or of the United States."

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

Amendment (753) 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 Freeman and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2556.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2556, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Overstreet.

Excused: Representatives Hurst and Parker.

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ENGROSSED SUBSTITUTE HOUSE BILL NO. 2556, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2205, by Representative Takko

Modifying mental status evaluation provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2205 was substituted for House Bill No. 2205 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2205 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 Takko and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2205.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2205, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives Hurst and Parker.

SUBSTITUTE HOUSE BILL NO. 2205, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1118, by Representatives Fitzgibbon, Nealey, Goodman, Rodne, Pedersen, Hansen and Ryu

Revising the uniform interstate family support act.

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 Fitzgibbon and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1118.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1118, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Klippert and Overstreet.

Excused: Representatives Hurst and Parker.

HOUSE BILL NO. 1118, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2534, by Representative Kirby

Requiring fingerprint background checks for the licensing of vehicle dealers and security guards.

The bill was read the second time.

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

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

Representative Vick spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2534.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2534, and the bill passed the House by the following vote: Yeas, 59; Nays, 37; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Hansen, Hargrove, Hope, Hudgins, Hunter, Jinkins, Kagi, Kirby, Klippert, Kochmar, Lytton, Moeller, Morrell, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Christian, Condotta, Dahlquist, DeBolt, Fagan, G. Hunt, Haler, Harris, Hawkins, Hayes, Holy, Johnson, Kretz, Kristiansen, MacEwen,

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Magendanz, Manweller, Nealey, Orcutt, Overstreet, Pike, Rodne, Ross, Schmick, Scott, Shea, Short, Smith, Taylor, Vick, Walsh, Warnick, Wilcox, Young and Zeiger.

Excused: Representatives Hurst and Parker.

HOUSE BILL NO. 2534, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2705, by Representatives Moscoso, Ryu and Goodman

Concerning reserve peace officers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2705 was substituted for House Bill No. 2705 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2705 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 Moscoso and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2705.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2705, and the bill passed the House by the following vote: Yeas, 91; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Overstreet, Scott, Shea, Taylor and Young.

Excused: Representatives Hurst and Parker.

SUBSTITUTE HOUSE BILL NO. 2705, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2675, by Representatives Shea, Blake, Moscoso, Reykdal, Sells, Condotta, Scott and Young

Modifying provisions applicable to off-road, nonhighway, and wheeled all-terrain vehicles and their drivers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2675 was substituted for House Bill No. 2675 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2675 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 Shea and Clibborn spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2675.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2675, and the bill passed the House by the following vote: Yeas, 90; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Bergquist, Fey, Habib, Klippert, Ryu and Tarleton.

Excused: Representatives Hurst and Parker.

SUBSTITUTE HOUSE BILL NO. 2675, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2711, by Representatives Habib, Magendanz, Tarleton, Morrell, Bergquist, Freeman and Muri

Concerning electric vehicle charging stations. Revised for 1st Substitute: Concerning public charging stations for electric vehicles.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2711 was substituted for House Bill No. 2711 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2711 was read the second time.

Representative Klippert moved the adoption of amendment (746).

On page 3, line 22, after "both." insert "Owners and operators of public charging stations should consider allowing users to pay with cash."

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

Amendment (746) 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 Habib and Magendanz spoke in favor of the passage of the bill.

Representative MacEwen spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2711.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2711, and the bill passed the House by the following vote: Yeas, 61; Nays, 35; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Lytton, Magendanz, Moeller, Morrell, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Ross, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Christian, Condotta, Dahlquist, DeBolt, Fagan, G. Hunt, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Kretz, Kristiansen, MacEwen, Manweller, Nealey, Orcutt, Overstreet, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Taylor, Vick, Walsh, Warnick, Wilcox, Young and Zeiger.

Excused: Representatives Hurst and Parker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2711, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2752, by Representatives Walkinshaw, Clibborn, Tarleton, Riccelli, Moscoso, Ortiz-Self, Johnson and Bergquist

Creating Washington state tree special license plates.

The bill was read the second time.

Representative Holy moved the adoption of amendment (726).

On page 7, beginning on line 26, after "State tree" strike all material through "arboretum" on line 31 and insert "Provide funds to support the Washington park arboretum and John A. Finch arboretum in the following manner: (a) eighty-five percent of the proceeds to the arboretum foundation to support the University of Washington botanic gardens' environmental education programs for children at the Washington park arboretum and to the University of Washington botanic gardens and the city of Seattle for maintenance of the Washington park arboretum; and (b) fifteen percent of the proceeds to the city of Spokane for maintenance of the John A. Finch arboretum"

Representatives Holy and Riccelli spoke in favor of the adoption of the amendment.

Amendment (726) 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 Walkinshaw and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2752.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2752, and the bill passed the House by the following vote: Yeas, 81; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Dahlquist, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Kochmar, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Christian, Condotta, DeBolt, Klippert, Kretz, Nealey, Overstreet, Pike, Scott, Shea, Taylor, Vick and Young.

Excused: Representatives Hurst and Parker.

ENGROSSED HOUSE BILL NO. 2752, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2617, by Representatives Jinkins, S. Hunt, Haler, Appleton, Hope, Moscoso, Harris, Fitzgibbon, Morrell, Sawyer, Bergquist, Pollet, Green, Riccelli, Fey, MacEwen, Freeman, Tarleton, Gregerson and Santos

Regulating interpreter services.

The bill was read the second time.

Representative Jinkins moved the adoption of amendment (744).

On page 2, line 33, after "the state" strike ". When a state-certified" and insert ", or be nationally certified by the certification commission for health care interpreters or the national board for certification of medical interpreters. When a nationally-certified, state-certified,"

On page 3, after line 11, insert the following:

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"(8) The department of social and health services, the health care authority, the department of labor and industries, and the department of enterprise services may not impose reimbursement rates or obligations established through collective bargaining under RCW 41.56.510 in contracts with entities that do not provide interpreter services through language access providers as defined in RCW 41.56.030(10)."

On page 4, line 21, after "ethics," strike "and make recommendations" and insert "the certification standards of other states, and national certification standards, and make recommendations for improving state certifications and authorizations"

Representatives Jinkins and Haler spoke in favor of the adoption of the amendment.

Amendment (744) 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 Jinkins spoke in favor of the passage of the bill.

Representatives Manweller and Buys spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2617.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2617, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Harris, Hope, Hudgins, Hunter, Jinkins, Kagi, Kirby, Lytton, Moeller, Morrell, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Springer, Stanford, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Christian, Condotta, Dahlquist, DeBolt, Fagan, G. Hunt, Hargrove, Hawkins, Hayes, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, Muri, Nealey, Orcutt, Overstreet, Pike, Rodne, Ross, Schmick, Scott, Shea, Short, Smith, Stonier, Taylor, Vick, Walsh, Warnick, Wilcox, Young and Zeiger.

Excused: Representatives Hurst and Parker.

ENGROSSED HOUSE BILL NO. 2617, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Orwall to preside.

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1841, by House Committee on Capital Budget (originally sponsored by Representatives Stonier, Warnick, Dunshee, Morrell, Ryu and Freeman).

Authorizing electronic competitive bidding for state public works contracting.

The bill was read the third time.

Representatives Stonier and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1841.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1841, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Hurst.

SUBSTITUTE HOUSE BILL NO. 1841, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 1005, by Representatives Moeller, Wylie, Reykdal, Appleton, Ryu, Morrell, McCoy, Seaquist, Moscoso, Hudgins, Ormsby and Pollet

Concerning responsibilities and funding of the public disclosure commission. Revised for 3rd Substitute: Requiring certain campaign reports to be filed electronically.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1005 was substituted for House Bill No. 1005 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1005 was read the second time.

Representative Moeller moved the adoption of amendment (722).

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On page 1, line 14, after "January 1," strike "2015" and insert "2016"

Representatives Moeller and Taylor spoke in favor of the adoption of the amendment.

Amendment (722) was adopted.

Representative Moeller moved the adoption of amendment (668).

On page 2, after line 7, insert the following:

"NEW SECTION. **Sec. 3.** A new section is added to chapter 42.17A RCW to read as follows:

(1) The following persons and individuals must pay an annual fee to the commission:

(a) Every political committee and candidate must pay a fee of two hundred dollars to the commission each calendar year that the political committee or candidate is required to report under RCW 42.17A.205, 42.17A.210, 42.17A.220, 42.17A.225, 42.17A.235, or 42.17A.250;

(b) Every lobbyist whose total reportable accrued compensation for lobbying, whether from or on behalf of one or more lobbyists' employers, was ten thousand dollars or more for the previous calendar year must pay a fee of two hundred dollars to the commission each calendar year that it is required to report under RCW 42.17A.600, 42.17A.615, 42.17A.630, or 42.17A.640;

(c) Every lobbyist employer whose total reportable accrued expenses and payments for lobbying, including those through or on behalf of one or more lobbyists, was ten thousand dollars or more for the previous calendar year, must pay a fee of two hundred dollars to the commission each calendar year that it is required to report under RCW 42.17A.600, 42.17A.615, 42.17A.630, or 42.17A.640;

(d) Every government entity that employs more than fifty full-time equivalent employees must pay a fee of one hundred fifty dollars each calendar year that it is required to report under RCW 42.17A.635(5); and

(e) Every elected official that receives a salary for duties performed related to that office in excess of ten thousand dollars and is required to report under RCW 42.17A.700 must pay a fee of two hundred dollars to the commission for each calendar year he or she is an elected official and is required to report.

(2) No person or individual may be required to pay more than one fee in a calendar year under this section. Any person may appeal a fee to the commission if more than one fee under this section is imposed on the person in a calendar year.

(3) The commission shall adopt rules and procedures to implement this section.

(4) The legislature shall have the authority to adjust fees commensurate to the amount appropriate to support the functions of this program.

NEW SECTION. **Sec. 4.** A new section is added to chapter 42.17A RCW to read as follows:

(1) The public disclosure electronic filing account is created in the custody of the state treasurer. All receipts from fees paid under section 3 of this act must be deposited into the account. Expenditures from the account may be used only for costs incurred as a result of the design, development, implementation, and maintenance of:

(a) Computer hardware and software or other applications to accommodate electronic filing of the reports required by this chapter; and

(b) A database and query system compatible with current architecture, technology, and operating systems that result in readily available data to the public for review and analysis.

(2) Only the executive director of the public disclosure commission, or the executive director's designee, may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures."

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

Correct the title.

Representative Moeller and Moeller (again) spoke in favor of the adoption of the amendment.

Representatives Taylor and Hunter spoke against the adoption of the amendment.

Amendment (668) was not adopted.

Representative S. Hunt moved the adoption of amendment (755).

On page 2, beginning on line 8, strike all of section 3

Correct the title.

Representative S. Hunt spoke in favor of the adoption of the amendment.

Amendment (755) 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 Moeller and Taylor spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Third Substitute House Bill No. 1005.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 1005, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Hurst.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1005, having received the necessary constitutional majority, was declared passed.

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SECOND READING SUSPENSION

HOUSE BILL NO. 1171, by Representatives Hurst, Dahlquist, Haler and Parker

Prohibiting the release of defendants charged with a sex or violent offense without the payment of bail pending trial. Revised for 1st Substitute: Clarifying pretrial release programs.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1171 was read the second time.

The bill was placed on final passage.

Representatives Goodman and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1171.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1171, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Hurst.

SUBSTITUTE HOUSE BILL NO. 1171, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1742, by Representatives Wylie, Ryu, Hunter, S. Hunt and Moscoso

Allowing sales of growlers of wine.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1742 was read the second time.

The bill was placed on final passage.

Representatives Wylie and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1742.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1742, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Hurst.

SUBSTITUTE HOUSE BILL NO. 1742, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2150, by Representative Blake

Encouraging recreational access to private property.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2150 was read the second time.

The bill was placed on final passage.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2150.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2150, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

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Excused: Representative Hurst.

SUBSTITUTE HOUSE BILL NO. 2150, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2169, by Representatives Goodman, Rodne, Morrell and Jinkins

Creating the international commercial arbitration act.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2169, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Overstreet and Young.

Excused: Representative Hurst.

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

HOUSE BILL NO. 2302, by Representatives Moscoso and Reykdal

Concerning snack bar licenses.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Moscoso and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2302.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2302, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Goodman, Green, Harris, Morrell, Nealey, Orcutt and Stanford.

Excused: Representative Hurst.

HOUSE BILL NO. 2302, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2420, by Representatives Klippert, Moscoso, Muri, Fey, Hayes, Seaquist, Hargrove, MacEwen, Haler, Ryu, Smith, Tarleton, Zeiger, Bergquist, Morrell, Shea, Santos, Ormsby and Freeman

Authorizing Congressional Medal of Honor recipients to receive special license plates for up to two motor vehicles. Revised for 1st Substitute: Concerning Medal of Honor special license plates.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2420 was read the second time.

The bill was placed on final passage.

Representatives Klippert and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2420.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2420, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller,

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Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.
Excused: Representative Hurst.

SUBSTITUTE HOUSE BILL NO. 2420, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2567, by Representatives Zeiger, Morrell, Rodne and Jinkins

Concerning the approval of minutes from annual meetings of homeowners' associations. Revised for 1st Substitute: Concerning the approval of minutes from meetings of homeowners' associations.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2567 was read the second time.

The bill was placed on final passage.

Representatives Zeiger and Jinkins spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2567.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2567, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.
Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.
Excused: Representative Hurst.

SUBSTITUTE HOUSE BILL NO. 2567, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2585, by Representatives Walsh and Pettigrew

Concerning income eligibility for temporary assistance for needy families benefits for a child.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2585.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2585, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.
Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.
Excused: Representative Hurst.

HOUSE BILL NO. 2585, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2598, by Representative Kagi

Clarifying the lead agency for the early support for infant and toddlers program.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2598.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2598, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.
Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter,

Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Overstreet and Taylor.

Excused: Representative Hurst.

HOUSE BILL NO. 2598, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2642, by Representatives Walkinshaw, Kochmar, Clibborn and Klippert

Modifying the deadline for annual regulatory fees for charter party and excursion service carriers.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Walkinshaw and Kochmar spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2642.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2642, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Hurst.

HOUSE BILL NO. 2642, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2691, by Representative Kirby

Regulating legal service contractors.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2691 was read the second time.

The bill was placed on final passage.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2691.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2691, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Hurst.

SUBSTITUTE HOUSE BILL NO. 2691, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2744, by Representatives G. Hunt, Appleton, Tarleton and Freeman

Modifying certain provisions governing veteran-owned businesses.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives G. Hunt, Appleton, Hunter and S. Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2744.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2744, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen,

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Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Hurst.

HOUSE BILL NO. 2744, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Wilcox congratulated Representative G. Hunt on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

The Speaker (Representative Orwall presiding) called upon Representative Moeller to preside.

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

THIRD READING

ENGROSSED HOUSE BILL NO. 1013, by Representatives Appleton, Seaquist, Ryu and Hansen.

Authorizing regular meetings of county legislative authorities to be held at alternate locations within the county.

The bill was read the third time.

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

Representative Overstreet spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1013.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1013, and the bill passed the House by the following vote: Yeas, 65; Nays, 32; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Hansen, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Kochmar, Lytton, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Warnick, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Christian, Condotta, Dahlquist, DeBolt, Fagan, G. Hunt, Haler, Hargrove, Harris, Hawkins, Hayes, Holy, Klippert, Kretz, Kristiansen, MacEwen, Overstreet, Parker, Pike, Rodne, Ross, Schmick, Scott, Shea, Short, Smith, Taylor, Vick, Wilcox and Young.

Excused: Representative Hurst.

ENGROSSED HOUSE BILL NO. 1013, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed House Bill No. 1013.

Representative Klippert, 8 District

There being no objection, the rules were suspended, and ENGROSSED SUBSTITUTE HOUSE BILL NO. 1117 was returned to second reading for the purpose of amendment.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1117, by House Committee on Judiciary (originally sponsored by Representatives Hansen, Rodne and Pedersen)

Concerning the transfer of real property by deed taking effect at the grantor's death.

The bill was read the second time.

Representative Hansen moved the adoption of amendment (602).

Beginning on page 26, after line 20, strike all of section 27 and insert the following:

"**Sec. 27.** RCW 84.33.140 and 2013 2nd sp.s. c 11 s 13 are each amended to read as follows:

(1) When land has been designated as forest land under RCW 84.33.130, a notation of the designation must be made each year upon the assessment and tax rolls. A copy of the notice of approval together with the legal description or assessor's parcel numbers for the land must, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded.

(2) In preparing the assessment roll as of January 1, 2002, for taxes payable in 2003 and each January 1st thereafter, the assessor must list each parcel of designated forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (3) of this section. The assessor must compute the assessed value of the land using the same assessment ratio applied generally in computing the assessed value of other property in the county. Values for the several grades of bare forest land are as follows:

LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
	1	$234
1	2	229
	3	217
	4	157
	1	198
2	2	190

	3	183
	4	132
	1	154
3	2	149
	3	148
	4	113
	1	117
4	2	114
	3	113
	4	86
	1	85
5	2	78
	3	77
	4	52
	1	43
6	2	39
	3	39
	4	37
	1	21
7	2	21
	3	20
	4	20
8		1

(3) On or before December 31, 2001, the department must adjust by rule under chapter 34.05 RCW, the forest land values contained in subsection (2) of this section in accordance with this subsection, and must certify the adjusted values to the assessor who will use these values in preparing the assessment roll as of January 1, 2002. For the adjustment to be made on or before December 31, 2001, for use in the 2002 assessment year, the department must:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1996, and June 30, 2001, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1995, and June 30, 2000, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(c) Adjust the forest land values contained in subsection (2) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

(4) For the adjustments to be made on or before December 31, 2002, and each succeeding year thereafter, the same procedure described in subsection (3) of this section must be followed using harvester excise tax returns filed under RCW 84.33.074. However, this adjustment must be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values must be successively one year more recent.

(5) Land graded, assessed, and valued as forest land must continue to be so graded, assessed, and valued until removal of designation by the assessor upon the occurrence of any of the following:

(a) Receipt of notice from the owner to remove the designation;

(b) Sale or transfer to an ownership making the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of forest land designation continuance, except transfer to an owner who is an heir or devisee of a deceased owner <u>or transfer by a transfer on death deed</u>, does not, by itself, result in removal of designation. The signed notice of continuance must be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance must be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated under subsection (11) of this section are due and payable by the seller or transferor at time of sale. The auditor may not accept an instrument of conveyance regarding designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (11) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that:

(i) The land is no longer primarily devoted to and used for growing and harvesting timber. However, land may not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (13) or (14) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in the designated forest land by means of a transaction that qualifies for an exemption under subsection (13) or (14) of this section. The governmental agency, organization, or recipient must annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the designated land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(ii) The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control, and forest debris provisions of Title 76 RCW or any applicable rules under Title 76 RCW; or

(iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land.

(6) Land may not be removed from designation if there is a governmental restriction that prohibits, in whole or in part, the owner from harvesting timber from the owner's designated forest land. If only a portion of the parcel is impacted by governmental restrictions

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of this nature, the restrictions cannot be used as a basis to remove the remainder of the forest land from designation under this chapter. For the purposes of this section, "governmental restrictions" includes: (a) Any law, regulation, rule, ordinance, program, or other action adopted or taken by a federal, state, county, city, or other governmental entity; or (b) the land's zoning or its presence within an urban growth area designated under RCW 36.70A.110.

(7) The assessor has the option of requiring an owner of forest land to file a timber management plan with the assessor upon the occurrence of one of the following:

(a) An application for designation as forest land is submitted; or

(b) Designated forest land is sold or transferred and a notice of continuance, described in subsection (5)(c) of this section, is signed.

(8) If land is removed from designation because of any of the circumstances listed in subsection (5)(a) through (c) of this section, the removal applies only to the land affected. If land is removed from designation because of subsection (5)(d) of this section, the removal applies only to the actual area of land that is no longer primarily devoted to the growing and harvesting of timber, without regard to any other land that may have been included in the application and approved for designation, as long as the remaining designated forest land meets the definition of forest land contained in RCW 84.33.035.

(9) Within thirty days after the removal of designation as forest land, the assessor must notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(10) Unless the removal is reversed on appeal a copy of the notice of removal with a notation of the action, if any, upon appeal, together with the legal description or assessor's parcel numbers for the land removed from designation must, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded and a notation of removal from designation must immediately be made upon the assessment and tax rolls. The assessor must revalue the land to be removed with reference to its true and fair value as of January 1st of the year of removal from designation. Both the assessed value before and after the removal of designation must be listed. Taxes based on the value of the land as forest land are assessed and payable up until the date of removal and taxes based on the true and fair value of the land are assessed and payable from the date of removal from designation.

(11) Except as provided in subsection (5)(c), (13), or (14) of this section, a compensating tax is imposed on land removed from designation as forest land. The compensating tax is due and payable to the treasurer thirty days after the owner is notified of the amount of this tax. As soon as possible after the land is removed from designation, the assessor must compute the amount of compensating tax and mail a notice to the owner of the amount of compensating tax owed and the date on which payment of this tax is due. The amount of compensating tax is equal to the difference between the amount of tax last levied on the land as designated forest land and an amount equal to the new assessed value of the land multiplied by the dollar rate of the last levy extended against the land, multiplied by a number, in no event greater than nine, equal to the number of years for which the land was designated as forest land, plus compensating taxes on the land at forest land values up until the date of removal and the prorated taxes on the land at true and fair value from the date of removal to the end of the current tax year.

(12) Compensating tax, together with applicable interest thereon, becomes a lien on the land, which attaches at the time the land is removed from designation as forest land and has priority and must be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date will thereupon become delinquent. From the date of delinquency until paid, interest is charged at the same rate applied by law to delinquent ad valorem property taxes.

(13) The compensating tax specified in subsection (11) of this section may not be imposed if the removal of designation under subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW or approved for state natural resources conservation area purposes as defined in chapter 79.71 RCW, or for acquisition and management as a community forest trust as defined in chapter 79.155 RCW. At such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (11) of this section is imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of the land;

(f) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(g) The creation, sale, or transfer of a conservation easement of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040;

(h) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under this chapter, or classified under chapter 84.34 RCW continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (13)(h); or

(i)(i) The discovery that the land was designated under this chapter in error through no fault of the owner. For purposes of this subsection (13)(i), "fault" means a knowingly false or misleading statement, or other act or omission not in good faith, that contributed to the approval of designation under this chapter or the failure of the assessor to remove the land from designation under this chapter.

(ii) For purposes of this subsection (13), the discovery that land was designated under this chapter in error through no fault of the owner is not the sole reason for removal of designation under subsection (5) of this section if an independent basis for removal exists. An example of an independent basis for removal includes the land no longer being devoted to and used for growing and harvesting timber.

(14) In a county with a population of more than six hundred thousand inhabitants or in a county with a population of at least two hundred forty-five thousand inhabitants that borders Puget Sound as defined in RCW 90.71.010, the compensating tax specified in subsection (11) of this section may not be imposed if the removal of designation as forest land under subsection (5) of this section resulted solely from:

(a) An action described in subsection (13) of this section; or

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(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax is imposed upon the current owner."

On page 37, line 37, after "during the" strike "2013" and insert "2014"

Representatives Hansen and Nealey spoke in favor of the adoption of the amendment.

Amendment (602) 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 Hansen and Nealey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 1117.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1117, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Hurst.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1117, having received the necessary constitutional majority, was declared passed.

The House resumed consideration of. SUBSTITUTE HOUSE BILL NO. 2376 on second reading.

There being no objection, the rules were suspended, and SUBSTITUTE HOUSE BILL NO. 2376 was returned to second reading for the purpose of amendment.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2376, by House Committee on Government Operations & Elections (originally sponsored by Representatives Hayes, S. Hunt, Haler, Appleton, Zeiger, Farrell, Reykdal, MacEwen, Sawyer, Holy, Harris, Ross, Roberts, Springer, Wylie, Ryu, Morrell, Parker and Freeman)

Exempting agency employee driver's license numbers, identicard numbers, and identification numbers from public inspection and copying. (REVISED FOR ENGROSSED: Exempting agency employee driver's license numbers and identicard numbers from public inspection and copying.)

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2376, by House Committee on Government Operations & Elections (originally sponsored by Representatives Hayes, S. Hunt, Haler, Appleton, Zeiger, Farrell, Reykdal, MacEwen, Sawyer, Holy, Harris, Ross, Roberts, Springer, Wylie, Ryu, Morrell, Parker and Freeman)

Exempting agency employee driver's license numbers, identicard numbers, and identification numbers from public inspection and copying. (REVISED FOR ENGROSSED: Exempting agency employee driver's license numbers and identicard numbers from public inspection and copying.)

The bill was read the second time.

Representative Pollet moved the adoption of amendment (714).

On page 1, line 14, after "The" insert "following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency:"

One page 2, line 3, after "a public agency" strike "that are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency" and insert "((~~that are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency~~))"

Representatives Pollet and Hayes spoke in favor of the adoption of the amendment.

Amendment (714) 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 Hayes and S. Hunt spoke in favor of the passage of the bill.

Representative Taylor spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2376.

ROLL CALL

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The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2376, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Christian, Clibborn, Cody, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Orcutt, Overstreet, Pike, Scott, Shea and Taylor.

Excused: Representative Hurst.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2376, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2594, by Representatives Riccelli, Jinkins, Cody, Moscoso, Morrell, Fitzgibbon, Ryu, Tarleton, Farrell, Van De Wege, Robinson, Habib, Ormsby, Tharinger, Freeman, Walkinshaw, Hudgins, Gregerson, Pettigrew, Reykdal, Roberts, Carlyle, Moeller, Stanford, Goodman, Seaquist, Appleton, Clibborn, Bergquist, Kagi, Sells, Pollet and Green

Requiring the health care authority to develop a blueprint for the establishment of a federal basic health program. Revised for 1st Substitute: Requiring the health care authority to begin econometric modeling to review enrollment and costs to the state, enrollees, and the insurance market.

The bill was read the second time.

There being no objection, Engrossed Substitute House Bill No. 2594 was substituted for House Bill No. 2594 and the substitute bill was placed on the second reading calendar.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2594 was read the second time.

Representative Riccelli moved the adoption of amendment (694).

On page 2, beginning on line 5, after "enrollees," strike all material through "144" on line 7 and insert "health care provider and facility reimbursement, and the insurance marketplace. By December 31, 2014, the authority shall publish a report on the findings of the econometric modeling. The report shall include impacts on:

(1) Reimbursement levels affecting provider participation and its relationship to network adequacy in the program;

(2) The financial stability of the Washington health benefit exchange, including enrollment, risk profile, and fees for operational sustainability; and

(3) Continuity of care, access, and affordability of coverage for potential enrollees in the federal basic health program compared to the insurance marketplace"

Representatives Riccelli and Schmick spoke in favor of the adoption of the amendment.

Amendment (694) 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 Riccelli, Cody and Riccelli (again) spoke in favor of the passage of the bill.

Representatives Schmick, Manweller, Klippert and Scott spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2594.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2594, and the bill passed the House by the following vote: Yeas, 54; Nays, 43; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Hansen, Hudgins, Hunter, Jinkins, Kagi, Kirby, Lytton, Moeller, Morrell, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Christian, Condotta, Dahlquist, DeBolt, Fagan, G. Hunt, Haler, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, Muri, Nealey, Orcutt, Overstreet, Parker, Pike, Rodne, Ross, Schmick, Scott, Shea, Short, Smith, Taylor, Vick, Walsh, Warnick, Wilcox, Young and Zeiger.

Excused: Representative Hurst.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2594, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2430, by Representatives Riccelli, Schmick and Ormsby

Concerning athletic trainers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2430 was substituted for House Bill No. 2430 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2430 was read the second time.

draft

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

Representatives Riccelli and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2430.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2430, and the bill passed the House by the following vote: Yeas, 81; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Christian, Clibborn, Cody, Dahlquist, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Warnick, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, DeBolt, G. Hunt, Haler, Klippert, Magendanz, Orcutt, Overstreet, Pike, Scott, Shea, Taylor, Vick, Wilcox and Young.

Excused: Representative Hurst.

SUBSTITUTE HOUSE BILL NO. 2430, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2315, by Representatives Orwall, Harris, Cody, Roberts, Short, Morrell, Manweller, Green, Jinkins, Fitzgibbon, Tharinger, Ryu, Goodman, Ormsby, Pollet and Walkinshaw

Concerning suicide prevention.

The bill was read the second time.

There being no objection, Engrossed Substitute House Bill No. 2315 was substituted for House Bill No. 2315 and the substitute bill was placed on the second reading calendar.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2315 was read the second time.

Representative Orwall moved the adoption of amendment (691).

On page 3, line 28, after "in" strike "suicide" and insert "the"

On page 3, line 29, after "management" insert "of suicide and related behavioral health conditions"

On page 8, line 6, after "(g)" insert "Primary care providers;

(h)"

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

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

Representative Schmick spoke against the adoption of the amendment.

Amendment (691) 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 Orwall and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2315.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2315, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Overstreet, Scott and Taylor.

Excused: Representative Hurst.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2315, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2618, by Representatives Gregerson, Ryu, Takko and Jinkins

Modifying provisions governing public works projects of code cities.

The bill was read the second time.

Representative Gregerson moved the adoption of amendment (693).

On page 1, line 15, after "than" strike "nine" and insert "ten"

On page 2, line 2, after "(i)" strike "Two hundred" and insert "One hundred twenty-five"

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

Amendment (693) was adopted.

The bill was ordered engrossed.

draft

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

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

Representative Overstreet spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2618.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2618, and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Chandler, Clibborn, Cody, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Hansen, Hope, Hudgins, Hunter, Jinkins, Kagi, Kirby, Kochmar, Lytton, Magendanz, Moeller, Morrell, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Christian, Condotta, Dahlquist, DeBolt, G. Hunt, Haler, Hargrove, Harris, Hawkins, Hayes, Holy, Johnson, Klippert, Kretz, Kristiansen, MacEwen, Manweller, Nealey, Orcutt, Overstreet, Parker, Pike, Rodne, Ross, Schmick, Scott, Shea, Short, Smith, Taylor, Vick, Walsh, Warnick, Wilcox and Young.

Excused: Representative Hurst.

ENGROSSED HOUSE BILL NO. 2618, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2481, by Representatives Senn, Bergquist, Farrell, Riccelli, Fitzgibbon, Appleton, Walkinshaw, Sawyer, Fey, Gregerson and Pollet

Concerning food and yard waste collection space for qualifying new residential occupancies with more than two dwelling units.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2481 was substituted for House Bill No. 2481 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2481 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 Senn and Takko spoke in favor of the passage of the bill.

Representatives Overstreet and Manweller spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2481.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2481, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hawkins, Hudgins, Hunter, Jinkins, Kagi, Kirby, Lytton, Moeller, Morrell, Morris, Moscoso, Nealey, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Christian, Condotta, Dahlquist, DeBolt, Fagan, G. Hunt, Hargrove, Harris, Hayes, Holy, Hope, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, Muri, Orcutt, Overstreet, Parker, Pike, Rodne, Ross, Schmick, Scott, Shea, Short, Smith, Taylor, Vick, Walsh, Warnick, Wilcox, Young and Zeiger.

Excused: Representative Hurst.

SUBSTITUTE HOUSE BILL NO. 2481, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2706, by Representative Moscoso

Ensuring safe, responsible, and legal acquisition of marijuana by adults.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2706 was substituted for House Bill No. 2706 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2706 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 Moscoso and Condotta spoke in favor of the passage of the bill.

POINT OF PARLIAMENTARY INQUIRY

Representative Lytton: "How many votes does this bill take on final passage?"

SPEAKER'S RULING

"Representative Lytton has raised a point of parliamentary inquiry as to whether House Bill 2706 amends Initiative 502 and therefore requires a two-thirds vote for passage.

Under Article 2, Section 41 of the Washington Constitution, a bill which amends an initiative within two years of the measure's passage requires a two-thirds vote in each house of the legislature.

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In determining whether a bill amends an initiative, it is necessary to recognize the difference between an "amendment" and a “supplemental act". An amendment creates an alternation or change to the law, while a supplemental act simply adds to or extends that which is in existing law without changing or modifying the original. The legislature may validly enact by majority vote new legislation that deals with the same general subject matter as the initiative so long as the essential purpose and effect of the initiative is not altered. Such legislation would not be considered an amendment for purposes of Article 2, Section 41.

The initiative prohibits persons under the age of 21 both from entering licensed marijuana retail locations and from possessing marijuana. House 2706 establishes penalties for persons who violate these prohibitions and defines valid identification for purchase of marijuana. While provisions of Initiative 502 and House Bill 2706 deal with the same general subject matter – access to marijuana – House Bill 2706 adds to the law without altering the essential purpose or effect of the initiative.

The Speaker therefore finds and rules that House Bill 2706 does not amend Initiative 502 within the meaning of Article 2, Section 41, and that only a majority vote is required for passage.”

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2706.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2706, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Hurst.

SUBSTITUTE HOUSE BILL NO. 2706, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2405, by Representatives Buys, Blake, Condotta, Warnick and Tharinger

Regarding hemp as a component of commercial animal feed.

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 Buys and Blake spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2405.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2405, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Hurst.

HOUSE BILL NO. 2405, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1888, by Representatives Shea, Hurst, Condotta, Holy, Taylor and Overstreet

Regarding industrial hemp.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1888 was substituted for House Bill No. 1888 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1888 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 Shea and Wylie spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1888.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1888, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-

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Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Hurst.

SECOND SUBSTITUTE HOUSE BILL NO. 1888, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2438, by Representatives Takko, Tharinger, Fitzgibbon and Ryu

Making technical corrections to various environmental statutes of the department of ecology and the pollution control hearings board.

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 Takko and Short spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2438.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2438, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Hurst.

HOUSE BILL NO. 2438, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2439, by Representatives Takko, Fitzgibbon, Tharinger, Ryu and Roberts

Updating specified environmental statutes of the department of ecology to improve efficiency and provide for increased flexibility for local governments.

The bill was read the second time.

There being no objection, Engrossed Substitute House Bill No. 2439 was substituted for House Bill No. 2439 and the substitute bill was placed on the second reading calendar.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2439 was read the second time.

Representative Fitzgibbon moved the adoption of amendment (748).

On page 16, beginning on line 30, strike all of section 13

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

Correct the title.

Representatives Fitzgibbon and Short spoke in favor of the adoption of the amendment.

Amendment (748) 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 Takko and Short spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2439.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2439, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler and Scott.

Excused: Representative Hurst.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2439, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2627, by Representatives Roberts, Hayes, Moscoso, Robinson and Freeman

Concerning the arrest of individuals who suffer from chemical dependency.

draft

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2627 was substituted for House Bill No. 2627 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2627 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 Roberts and Hayes spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2627.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2627, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Hurst.

SECOND SUBSTITUTE HOUSE BILL NO. 2627, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1643, by Representatives Fey, Short, Upthegrove, Nealey, Pollet, Liias, Ormsby, Ryu and Moscoso

Regarding energy conservation under the energy independence act.

The bill was read the second time.

There being no objection, Engrossed Substitute House Bill No. 1643 was substituted for House Bill No. 1643 and the substitute bill was placed on the second reading calendar.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643 was read the second time.

Representative Fey moved the adoption of amendment (739).

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.285.040 and 2013 c 158 s 2 are each amended to read as follows:

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

(a) By January 1, 2010, using methodologies consistent with those used by the Pacific Northwest electric power and conservation planning council in ((~~its~~)) the most recently published regional power plan as it existed on the effective date of this section or a subsequent date as may be provided by the department or the commission by rule, each qualifying utility shall identify its achievable cost-effective conservation potential through 2019. Nothing in the rule adopted under this subsection precludes a qualifying utility from using its utility specific conservation measures, values, and assumptions in identifying its achievable cost-effective conservation potential. At least every two years thereafter, the qualifying utility shall review and update this assessment for the subsequent ten-year period.

(b) Beginning January 2010, each qualifying utility shall establish and make publicly available a biennial acquisition target for cost-effective conservation consistent with its identification of achievable opportunities in (a) of this subsection, and meet that target during the subsequent two-year period. At a minimum, each biennial target must be no lower than the qualifying utility's pro rata share for that two-year period of its cost-effective conservation potential for the subsequent ten-year period.

(c)(i) Except as provided in (c)(ii) and (iii) of this subsection, beginning on January 1, 2014, cost-effective conservation achieved by a qualifying utility in excess of its biennial acquisition target may be used to help meet the immediately subsequent two biennial acquisition targets, such that no more than twenty percent of any biennial target may be met with excess conservation savings.

(ii) Beginning January 1, 2014, a qualifying utility may use single large facility conservation savings in excess of its biennial target to meet up to an additional five percent of the immediately subsequent two biennial acquisition targets, such that no more than twenty-five percent of any biennial target may be met with excess conservation savings allowed under all of the provisions of this section combined. For the purposes of this subsection (1)(c)(ii), "single large facility conservation savings" means cost-effective conservation savings achieved in a single biennial period at the premises of a single customer of a qualifying utility whose annual electricity consumption prior to the conservation savings exceeded five average megawatts.

(iii) Beginning January 1, 2012, and until December 31, 2017, a qualifying utility with an industrial facility located in a county with a population between ninety-five thousand and one hundred fifteen thousand that is directly interconnected with electricity facilities that are capable of carrying electricity at transmission voltage, may use cost-effective conservation from that industrial facility in excess of its biennial acquisition target to help meet the immediately subsequent two biennial acquisition targets, such that no more than twenty-five percent of any biennial target may be met with excess conservation savings allowed under all of the provisions of this section combined.

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

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

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

(2)(a) Except as provided in (j) of this subsection, each qualifying utility shall use eligible renewable resources or acquire equivalent renewable energy credits, or any combination of them, to meet the following annual targets:

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

(ii) At least nine percent of its load by January 1, 2016, and each year thereafter through December 31, 2019; and

(iii) At least fifteen percent of its load by January 1, 2020, and each year thereafter.

(b) A qualifying utility may count distributed generation at double the facility's electrical output if the utility: (i) Owns or has contracted for the distributed generation and the associated renewable energy credits; or (ii) has contracted to purchase the associated renewable energy credits.

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

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

(e) The requirements of this section may be met for any given year with renewable energy credits produced during that year, the preceding year, or the subsequent year. Each renewable energy credit may be used only once to meet the requirements of this section.

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

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

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

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

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

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

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

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

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

(j)(i) Beginning January 1, 2016, only a qualifying utility that owns or is directly interconnected to a qualified biomass energy facility may use qualified biomass energy to meet its compliance obligation under ((~~RCW 19.285.040(2)~~)) this subsection.

(ii) A qualifying utility may no longer use electricity and associated renewable energy credits from a qualified biomass energy facility if the associated industrial pulping or wood manufacturing facility ceases operation other than for purposes of maintenance or upgrade.

(k) An industrial facility that hosts a qualified biomass energy facility may only transfer or sell renewable energy credits associated with its facility to the qualifying utility with which it is directly interconnected with facilities owned by such a qualifying utility and that are capable of carrying electricity at transmission voltage. The qualifying utility may only use an amount of renewable energy credits associated with qualified biomass energy that are equivalent to the proportionate amount of its annual targets under (a)(ii) and (iii) of this subsection that was created by the load of the industrial facility. A qualifying utility that owns a qualified biomass energy facility may not transfer or sell renewable energy credits associated with qualified biomass energy to another person, entity, or qualifying utility.

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

Correct the title.

Representatives Fey and Short spoke in favor of the adoption of the amendment.

Amendment (739) 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 Fey and Short spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1643.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1643, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller,

Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Hurst.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2759, by Representatives Seaquist, Smith, Young, Ryu and Muri

Modifying certain requirements for ferry vessel construction.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2759 was substituted for House Bill No. 2759 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2759 was read the second time.

Representative Seaquist moved the adoption of amendment (742).

On page 3, line 28, after "ferries" insert "pursuant to a contract advertised for bid after the effective date of this section"

On page 3, line 32, after "(2)" strike "Throughout" and insert "Unless the use of a direct owner's representative is specifically authorized by the office of financial management, throughout"

On page 4, line 19, after "vessels," insert "after the effective date of this section,"

On page 6, line 11, after "that" strike "all"

On page 6, line 13, after "guard" insert ", in accordance with federal regulatory requirements,"

On page 6, beginning on line 14, after "(20)" strike all material through "guard" on line 16 and insert "A requirement that all designs, construction, and operational maintenance of a vessel comply with all relevant standards promulgated by the American bureau of shipping"

On page 6, after line 19, insert the following:

"NEW SECTION. **Sec. 5.** A new section is added to chapter 47.60 RCW to read as follows:

The department must maintain a minimum of two vessels in the ferry fleet that comply with the international convention for the safety of life at sea."

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

On page 6, line 24, after "department" strike "must" and insert "after consulting with the office of financial management and finding that it is in the state's financial interests to do so, may"

On page 8, beginning on line 11, after "legislature" strike "and held in reserve until the office of financial management approves the expenditure" and insert ". The office of financial management must approve any expenditure for a change order that exceeds $250,000"

Correct the title.

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

Amendment (742) was adopted.

With the consent of the house, amendment (703) was 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 Seaquist and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2759.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2759, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Hurst.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2759, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2155, by Representatives Dahlquist, Hurst, S. Hunt, Morrell and Moscoso

Preventing theft of alcoholic spirits from licensed retailers.

The bill was read the second time.

There being no objection, Engrossed Substitute House Bill No. 2155 was substituted for House Bill No. 2155 and the substitute bill was placed on the second reading calendar.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2155 was read the second time.

Representative Wylie moved the adoption of amendment (690).

On page 1, beginning on line 17, after "minors" insert ", and where such thefts result in an incident report being generated by a law enforcement agency"

On page 2, beginning on line 1, after "section" strike "include the imposition of the following requirements on licensees" and insert "may require the imposition of one or more of the following requirements on licensees"

draft

Representatives Wylie and Condotta spoke in favor of the adoption of the amendment.

Amendment (690) 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 Dahlquist and Wylie spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2155.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2155, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Overstreet, Pike, Scott and Young.

Excused: Representative Hurst.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2155, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2353, by Representatives Rodne and Haler

Concerning actions for trespass upon a business owner's premises.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2353 was substituted for House Bill No. 2353 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2353 was read the second time.

Representative Rodne moved the adoption of amendment (670).

On page 1, after line 16, insert the following: "(3) As used in this section, the word "person" does not include an employee or government contractor performing duties pursuant to law on behalf of: (a) Any department, agency, or office of the state; or (b) any political subdivision of the state."

Representatives Rodne and Jinkins spoke in favor of the adoption of the amendment.

Amendment (670) 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 Rodne and Jinkins spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2353.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2353, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Overstreet and Sawyer.

Excused: Representative Hurst.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2353, having received the necessary constitutional majority, was declared passed.

SECOND READING SUSPENSION

HOUSE BILL NO. 2171, by Representatives Orwall, Johnson, Tarleton, Ross, Nealey, Hayes, Sullivan, Farrell, Kirby, Hansen, Chandler, Green, Shea, Moscoso, Parker, Smith, Magendanz, Klippert, Rodne, Pollet, Seaquist, Appleton, Carlyle, Stanford, Buys, Morrell, Goodman, Liias, Haigh, Short, Fagan, Bergquist, Fey, Riccelli and Ryu

Strengthening economic protections for veterans and military personnel.

The bill was read the second time.

draft

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2171 was read the second time.

The bill was placed on final passage.

Representatives Orwall and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2171.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2171, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Hurst.

SUBSTITUTE HOUSE BILL NO. 2171, 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 Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1620
HOUSE BILL NO. 2426
HOUSE BILL NO. 2454
HOUSE BILL NO. 2463
HOUSE BILL NO. 2482
HOUSE BILL NO. 2718

The Speaker (Representative Moeller presiding) called upon Representative Orwall to preside.

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

SECOND READING

HOUSE BILL NO. 2163, by Representatives Harris, Haler and Morrell

Establishing dextromethorphan provisions.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2163 was substituted for House Bill No. 2163 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2163 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 Harris and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2163.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2163, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Habib, Overstreet, Pike, Santos, Shea, Taylor and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 2163, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2294, by Representatives Pike, Wylie, Stonier, Vick, Harris, Blake, Farrell, Moeller, Fitzgibbon, Sawyer, Bergquist and Pollet

Increasing penalties for littering.

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 Pike and Fitzgibbon spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2294.

ROLL CALL

draft

The Clerk called the roll on the final passage of House Bill No. 2294, and the bill passed the House by the following vote: Yeas, 81; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Chandler, Clibborn, Cody, Dahlquist, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Ross, Ryu, S. Hunt, Sawyer, Seaquist, Sells, Senn, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Christian, Condotta, DeBolt, Fagan, G. Hunt, Holy, Manweller, Overstreet, Roberts, Santos, Schmick, Scott, Shea, Taylor, Wilcox and Young.

HOUSE BILL NO. 2294, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2674, by Representatives Warnick and Sawyer

Concerning the processing of quick titles by subagents.

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 Warnick and Clibborn spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Van De Wege, Representative Ortiz-Self was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2674.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2674, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Ortiz-Self.

HOUSE BILL NO. 2674, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2741, by Representatives Orcutt and Clibborn

Concerning requirements before issuance of an initial vehicle registration.

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 Orcutt and Clibborn spoke in favor of the passage of the bill.

Representative Moeller spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2741.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2741, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Fey, Moeller, Roberts and Stonier.

Excused: Representative Ortiz-Self.

HOUSE BILL NO. 2741, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2639, by Representatives Moeller, Harris, Green, Cody, Morrell, Clibborn, Riccelli, Van De Wege, Bergquist and Freeman

Concerning state purchasing of mental health and chemical dependency treatment services.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2639 was substituted for House Bill No. 2639 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2639 was read the second time.

draft

Representative Cody moved the adoption of amendment (760).

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 2013 c 338 s 1 (uncodified) is amended to read as follows:

(1)(a) Beginning ((~~May~~)) April 1, 2014, the legislature shall convene a task force to examine reform of the adult behavioral health system, with voting members as provided in this subsection.

(i) The president of the senate shall appoint ((~~one~~)) two members from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint ((~~one~~)) two members from each of the two largest caucuses in the house of representatives.

(iii) The governor shall appoint five members consisting of the secretary of the department of social and health services or the secretary's designee, the director of the health care authority or the director's designee, the director of the office of financial management or the director's designee, the secretary of the department of corrections or the secretary's designee, and a representative of the governor.

(iv) The Washington state association of counties shall appoint three members.

(v) The governor shall request participation by a representative of tribal governments.

(b) The task force shall choose two cochairs from among its legislative members.

(c) The task force shall adopt a bottom-up approach and welcome input and participation from all stakeholders interested in the improvement of the adult behavioral health system. To that end, the task force must invite participation from, at a minimum, the following: The department of commerce, behavioral health service recipients and their families; local government; representatives of regional support networks; representatives of county coordinators; law enforcement; city and county jails; tribal representatives; behavioral health service providers; housing providers; labor representatives; counties with state hospitals; mental health advocates; chemical dependency advocates; public defenders with involuntary mental health commitment or mental health court experience; chemical dependency experts working with drug courts; medicaid managed care plan and associated delivery system representatives; long-term care service providers; the Washington state hospital association; and individuals with expertise in evidence-based and research-based behavioral health service practices. Leadership of subcommittees formed by the task force may be drawn from this body of invited participants.

(2) The task force shall undertake a systemwide review of the adult behavioral health system and make recommendations for reform concerning, but not limited to, the following:

(a) The means by which services are purchased and delivered for adults with mental illness and chemical dependency disorders through the department of social and health services and the health care authority, including:

(i) Guidance for the creation of common regional service areas for purchasing behavioral health services and medical care services by the department and the authority, taking into consideration any proposal submitted by the Washington state association of counties under section 2 of this act; or

(ii) Identification of key issues that must be addressed by the health care authority and the department of social and health services to achieve the full integration of medical and behavioral health services by January 1, 2019;

(b) Availability of effective means to promote recovery and prevent harm associated with mental illness and chemical dependency;

(c) Crisis services, including boarding of mental health patients outside of regularly certified treatment beds;

(d) Best practices for cross-system collaboration between behavioral health treatment providers, medical care providers, long-term care service providers, entities providing health home services to high-risk medicaid clients, law enforcement, and criminal justice agencies; and

(e) Public safety practices involving persons with mental illness and chemical dependency with forensic involvement.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force must be paid jointly by the senate and house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by January 1, 2015, except that recommendations under subsection (2)(a)(i) of this section must be submitted to the governor by August 1, 2014, and recommendations under subsection (2)(a)(ii) of this section must be submitted to the governor by September 1, 2014.

(7) This section expires June 1, 2015.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.20A RCW to read as follows:

(1) The department and the health care authority shall jointly establish regional service areas by September 1, 2014, as provided in this section.

(2) Counties, through the Washington state association of counties, must be given the opportunity to propose the composition of no more than nine regional service areas. Each service area must:

(a) Include a sufficient number of medicaid lives to support full financial risk managed care contracting for services included in contracts with the department or the health care authority;

(b) Include full counties that are contiguous with one another; and

(c) Reflect natural medical and behavioral health service referral patterns and shared clinical, health care service, behavioral health service, and behavioral health crisis response resources.

(3) The Washington state association of counties must submit their recommendations to the department, the health care authority, and the task force described in section 1 of this act on or before July 1, 2014.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.20A RCW to read as follows:

(1) Any agreement or contract by the department or the health care authority to provide behavioral health services as defined under RCW 71.24.025 to persons eligible for benefits under medicaid, Title XIX of the social security act, and to persons not eligible for medicaid must include the following:

(a) Contractual provisions consistent with the intent expressed in RCW 71.24.015, 71.36.005, 70.96A.010, and 70.96A.011;

(b) Standards regarding the quality of services to be provided, including increased use of evidence-based, research-based, and promising practices, as defined in RCW 71.24.025;

(c) Accountability for the client outcomes established in RCW 43.20A.895, 70.320.020, and 71.36.025 and performance measures linked to those outcomes;

(d) Standards requiring behavioral health organizations to maintain a network of appropriate providers that is supported by written agreements sufficient to provide adequate access to all services covered under the contract with the department or the health care authority and to protect essential existing behavioral health system infrastructure and capacity, including a continuum of chemical dependency services;

(e) Provisions to require that behavioral health organizations offer contracts to managed health care systems under chapter 74.09 RCW or primary care practice settings to provide access to chemical dependency professional services and mental health services integrated in primary care settings for individuals with behavioral health and medical comorbidities;

(f) Provisions to require that medically necessary chemical dependency treatment services be available to clients;

(g) Standards requiring the use of behavioral health service provider reimbursement methods that incentivize improved performance with respect to the client outcomes established in RCW 43.20A.895 and 71.36.025, integration of behavioral health and primary care services at the clinical level, and improved care coordination for individuals with complex care needs;

(h) Standards related to the financial integrity of the responding organization. The department shall adopt rules establishing the solvency requirements and other financial integrity standards for behavioral health organizations. This subsection does not limit the authority of the department to take action under a contract upon finding that a behavioral health organization's financial status jeopardizes the organization's ability to meet its contractual obligations;

(i) Mechanisms for monitoring performance under the contract and remedies for failure to substantially comply with the requirements of the contract including, but not limited to, financial deductions, termination of the contract, receivership, reprocurement of the contract, and injunctive remedies;

(j) Provisions to maintain the decision-making independence of designated mental health professionals or designated chemical dependency specialists; and

(k) Provisions stating that public funds appropriated by the legislature may not be used to promote or deter, encourage, or discourage employees from exercising their rights under Title 29, chapter 7, subchapter II, United States Code or chapter 41.56 RCW.

(2) The following factors must be given significant weight in any purchasing process:

(a) Demonstrated commitment and experience in serving low-income populations;

(b) Demonstrated commitment and experience serving persons who have mental illness, chemical dependency, or co-occurring disorders;

(c) Demonstrated commitment to and experience with partnerships with county and municipal criminal justice systems, housing services, and other critical support services necessary to achieve the outcomes established in RCW 43.20A.895, 70.320.020, and 71.36.025;

(d) Recognition that meeting enrollees' physical and behavioral health care needs is a shared responsibility of contracted behavioral health organizations, managed health care systems, service providers, the state, and communities;

(e) Consideration of past and current performance and participation in other state or federal behavioral health programs as a contractor; and

(f) The ability to meet requirements established by the department.

(3) For purposes of purchasing behavioral health services and medical care services for persons eligible for benefits under medicaid, Title XIX of the social security act and for persons not eligible for medicaid, the department and the health care authority must use common regional service areas. The regional service areas must be established by the department and the health care authority as provided in section 2 of this act.

(4) Consideration must be given to using multiple-biennia contracting periods.

(5) Each behavioral health organization operating pursuant to a contract issued under this section shall enroll clients within its regional service area who meet the department's eligibility criteria for mental health and chemical dependency services.

NEW SECTION. **Sec. 4.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The secretary shall purchase mental health and chemical dependency treatment services primarily through managed care contracting.

(2)(a) The secretary shall request a detailed plan from the entities identified in (b) of this subsection that demonstrates compliance with federal regulations related to medicaid managed care contracting, including, but not limited to: Having a sufficient network of providers to provide adequate access to mental health and chemical dependency services for residents of the regional service area that meet eligibility criteria for services, ability to maintain and manage adequate reserves, and maintenance of quality assurance processes. Any responding entity that submits a detailed plan that demonstrates that it can meet the requirements of this section must be awarded the contract to serve as the behavioral health organization.

(b)(i) For purposes of responding to the request for a detailed plan under (a) of this subsection, all counties within a regional service area that includes more than one county shall form a responding entity through the adoption of an interlocal agreement. The interlocal agreement must specify the terms by which the responding entity shall serve as the behavioral health organization within the regional service area.

(ii) In the event that a county has made a decision prior to January 1, 2014, not to participate in a regional support network, any private entity that had previously been certified for that county must be offered the opportunity to serve as the single responding entity for that county or group of counties.

(iii) In the event that a regional service area is comprised of multiple counties including one that has made a decision prior to January 1, 2014, not to participate in a regional support network the counties shall adopt an interlocal agreement and may respond to the request for a detailed plan under (a) of this subsection and the private entity may also respond to the request for a detailed plan. If both responding entities meet the requirements of this section, the responding entities shall follow the department's procurement process established in subsection (2) of this section.

(2) If an entity that has received a request under this section to submit a detailed plan does not respond to the request, a responding entity under subsection (1) of this section is unable to substantially meet the requirements of the request for a detailed plan, or more than one responding entity substantially meet the requirements for the request for a detailed plan, the department shall use a procurement process in which other entities recognized by the secretary may bid to serve as the behavioral health organization in that regional service area.

(3) Contracts for behavioral health organizations must begin on April 1, 2016.

(4) Upon request of one or more county authorities, the department and the health care authority may jointly purchase behavioral health services through an integrated medical and behavioral health services contract with a behavioral health organization or a managed health care system as defined in RCW 74.09.522. Any contract for such a purchase must comply with all federal medicaid and state law requirements related to managed health care contracting.

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Sec. 5. RCW 71.24.015 and 2005 c 503 s 1 are each amended to read as follows:

It is the intent of the legislature to establish a community mental health program which shall help people experiencing mental illness to retain a respected and productive position in the community. This will be accomplished through programs that focus on resilience and recovery, and practices that are evidence-based, research-based, consensus-based, or, where these do not exist, promising or emerging best practices, which provide for:

(1) Access to mental health services for adults ((~~of the state who are acutely mentally ill, chronically mentally ill,~~)) with acute mental illness, chronic mental illness, or who are seriously disturbed and children ((~~of the state who are acutely mentally ill~~)) with acute mental illness, or who are severely emotionally disturbed, or seriously disturbed, which services recognize the special needs of underserved populations, including minorities, children, the elderly, ((~~disabled~~)) individuals with disabilities, and low-income persons. Access to mental health services shall not be limited by a person's history of confinement in a state, federal, or local correctional facility. It is also the purpose of this chapter to promote the early identification of ((~~mentally ill~~)) children with mental illness and to ensure that they receive the mental health care and treatment which is appropriate to their developmental level. This care should improve home, school, and community functioning, maintain children in a safe and nurturing home environment, and should enable treatment decisions to be made in response to clinical needs in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) The involvement of persons with mental illness, their family members, and advocates in designing and implementing mental health services that reduce unnecessary hospitalization and incarceration and promote the recovery and employment of persons with mental illness. To improve the quality of services available and promote the rehabilitation, recovery, and reintegration of persons with mental illness, consumer and advocate participation in mental health services is an integral part of the community mental health system and shall be supported;

(3) Accountability of efficient and effective services through state-of-the-art outcome and performance measures and statewide standards for monitoring client and system outcomes, performance, and reporting of client and system outcome information. These processes shall be designed so as to maximize the use of available resources for direct care of people with a mental illness and to assure uniform data collection across the state;

(4) Minimum service delivery standards;

(5) Priorities for the use of available resources for the care of ((~~the mentally ill~~)) individuals with mental illness consistent with the priorities defined in the statute;

(6) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, ((~~regional support networks~~)) behavioral health organizations, community mental health services, and other support services, which shall to the maximum extent feasible also include the families of ((~~the mentally ill~~)) individuals with mental illness, and other service providers; and

(7) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

It is the policy of the state to encourage the provision of a full range of treatment and rehabilitation services in the state for mental disorders including services operated by consumers and advocates. The legislature intends to encourage the development of regional mental health services with adequate local flexibility to assure eligible people in need of care access to the least-restrictive treatment alternative appropriate to their needs, and the availability of treatment components to assure continuity of care. To this end, counties ((~~are encouraged to~~)) must enter into joint operating agreements with other counties to form regional systems of care that are consistent with the regional service areas established under section 2 of this act. Regional systems of care, whether operated by a county, group of counties, or another entity shall integrate planning, administration, and service delivery duties under chapters 71.05 and 71.24 RCW to consolidate administration, reduce administrative layering, and reduce administrative costs. The legislature hereby finds and declares that sound fiscal management requires vigilance to ensure that funds appropriated by the legislature for the provision of needed community mental health programs and services are ultimately expended solely for the purpose for which they were appropriated, and not for any other purpose.

It is further the intent of the legislature to integrate the provision of services to provide continuity of care through all phases of treatment. To this end, the legislature intends to promote active engagement with ((~~mentally ill~~)) persons with mental illness and collaboration between families and service providers.

Sec. 6. RCW 71.24.016 and 2006 c 333 s 102 are each amended to read as follows:

(1) The legislature intends that eastern and western state hospitals shall operate as clinical centers for handling the most complicated long-term care needs of patients with a primary diagnosis of mental disorder. It is further the intent of the legislature that the community mental health service delivery system focus on maintaining ((~~mentally ill~~)) individuals with mental illness in the community. The program shall be evaluated and managed through a limited number of outcome and performance measures ((~~designed to hold each regional support network accountable for program success~~)), as provided in RCW 43.20A.895, 70.320.020, and 71.36.025.

(2) The legislature intends to address the needs of people with mental disorders with a targeted, coordinated, and comprehensive set of evidence-based practices that are effective in serving individuals in their community and will reduce the need for placements in state mental hospitals. The legislature further intends to explicitly hold ((~~regional support networks~~)) behavioral health organizations accountable for serving people with mental disorders within the boundaries of their ((~~geographic boundaries~~)) regional service area and for not exceeding their allocation of state hospital beds. ((~~Within funds appropriated by the legislature for this purpose, regional support networks shall develop the means to serve the needs of people with mental disorders within their geographic boundaries. Elements of the program may include:~~

~~(a) Crisis triage;~~

~~(b) Evaluation and treatment and community hospital beds;~~

~~(c) Residential beds;~~

~~(d) Programs for community treatment teams; and~~

~~(e) Outpatient services.~~

~~(3) The regional support network shall have the flexibility, within the funds appropriated by the legislature for this purpose, to design the mix of services that will be most effective within their service area of meeting the needs of people with mental disorders and avoiding placement of such individuals at the state mental hospital. Regional support networks are encouraged to maximize the use of evidence-based practices and alternative resources with the goal of substantially reducing and potentially eliminating the use of institutions for mental diseases.~~))

NEW SECTION. **Sec. 7.** A new section is added to chapter 71.24 RCW to read as follows:

By January 1, 2019, the department and the health care authority must transition community behavioral health services to a system of fully integrated managed health care purchasing that provides mental health services, chemical dependency services, and medical care services to medicaid clients.

NEW SECTION. **Sec. 8.** A new section is added to chapter 71.24 RCW to read as follows:

(1) Within funds appropriated by the legislature for this purpose, behavioral health organizations shall develop the means to serve the needs of people with mental disorders within the boundaries of their regional service area. Elements of the program may include:

(a) Crisis diversion services;

(b) Evaluation and treatment and community hospital beds;

(c) Residential treatment;

(d) Programs for community treatment teams;

(e) Outpatient services;

(f) Peer support services;

(g) Community support services;

(h) Resource management services; and

(i) Supported housing and supported employment services.

(2) The behavioral health organization shall have the flexibility, within the funds appropriated by the legislature for this purpose and the terms of their contract, to design the mix of services that will be most effective within their service area of meeting the needs of people with mental disorders and avoiding placement of such individuals at the state mental hospital. Behavioral health organizations are encouraged to maximize the use of evidence-based practices and alternative resources with the goal of substantially reducing and potentially eliminating the use of institutions for mental diseases.

Sec. 9. RCW 71.24.025 and 2013 c 338 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Clubhouse" means a community-based program that provides rehabilitation services and is certified by the department of social and health services.

(6) "Community mental health program" means all mental health services, activities, or programs using available resources.

(7) "Community mental health service delivery system" means public or private agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(8) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by ((~~regional support networks~~)) behavioral health organizations.

(9) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(10) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(11) "Department" means the department of social and health services.

(12) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(13) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence- based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (14) of this section.

(14) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(15) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, that meets state minimum standards or persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(16) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long- term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a

court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(17) "Mental health services" means all services provided by ((~~regional support networks~~)) behavioral health organizations and other services provided by the state for persons who are mentally ill.

(18) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (4), (27), and (28) of this section.

(19) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

(20) "((~~Regional support network~~)) Behavioral health organization" means ((~~a~~)) any county authority or group of county authorities or other entity recognized by the secretary in contract in a defined region.

(21) "Registration records" include all the records of the department, ((~~regional support networks~~)) behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(22) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (14) of this section but does not meet the full criteria for evidence-based.

(23) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the ((~~regional support network~~)) behavioral health organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(24) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(25) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined solely by a ((~~regional support network~~)) behavioral health organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated mental health professionals, evaluation and treatment facilities, and others as determined by the ((~~regional support network~~)) behavioral health organization.

(26) "Secretary" means the secretary of social and health services.

(27) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(28) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the ((~~regional support network~~)) behavioral health organization to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(29) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

(30) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by ((~~regional support networks~~)) behavioral health organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, ((~~regional support networks~~)) behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(31) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any ((~~regional support network~~)) behavioral health organization that would present a conflict of interest.

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(32) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and chemical dependency treatment services as described in chapter 70.96A RCW.

Sec. 10. RCW 71.24.035 and 2013 c 200 s 24 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with ((~~regional support networks~~)) behavioral health organizations, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the ((~~regional support network~~)) behavioral health organization if the ((~~regional support network~~)) behavioral health organization fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045, until such time as a new ((~~regional support network~~)) behavioral health organization is designated ((~~under RCW 71.24.320~~)).

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates regional biennial needs assessments and regional mental health service plans and state services for adults and children with mental illness((~~. The secretary shall also develop a six-year state mental health plan~~));

(b) Assure that any ((~~regional~~)) behavioral health organization or county community mental health program provides ((~~access to treatment for the region's residents, including parents who are respondents in dependency cases, in the following order of priority: (i) Persons with acute mental illness; (ii) adults with chronic mental illness and children who are severely emotionally disturbed; and (iii) persons who are seriously disturbed. Such programs shall provide:~~

~~(A) Outpatient services;~~

~~(B) Emergency care services for twenty-four hours per day;~~

~~(C) Day treatment for persons with mental illness which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;~~

~~(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;~~

~~(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in persons with mental illness becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;~~

~~(F) Consultation and education services; and~~

~~(G) Community support services~~)) medically necessary services to medicaid recipients consistent with the state's medicaid state plan or federal waiver authorities, and nonmedicaid services consistent with priorities established by the department;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. These rules shall permit a county-operated mental health program to be licensed as a service provider subject to compliance with applicable statutes and rules. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) ((~~Regional support networks~~)) Behavioral health organizations; and

(iii) Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of persons who are minorities, elderly, disabled, children, low-income, and parents who are respondents in dependency cases are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards((~~, RCW 71.24.320 and 71.24.330,~~)) which shall be used in contracting with ((~~regional support networks~~)) behavioral health organizations. The standard contract shall include a maximum fund balance, which shall be consistent with that required by federal regulations or waiver stipulations;

(f) Establish, to the extent possible, a standardized auditing procedure which is designed to assure compliance with contractual agreements authorized by this chapter and minimizes paperwork requirements of ((~~regional support networks~~)) behavioral health organizations and licensed service providers. The audit procedure shall focus on the outcomes of service ((~~and not the processes for accomplishing them~~)) as provided in RCW 43.20A.895, 70.320.020, and 71.36.025;

(g) Develop and maintain an information system to be used by the state and ((~~regional support networks~~)) behavioral health organizations that includes a tracking method which allows the department and ((~~regional support networks~~)) behavioral health organizations to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and chapter 70.02 RCW;

(h) License service providers who meet state minimum standards;

(i) ((~~Certify regional support networks that meet state minimum standards;~~

~~(j)~~)) Periodically monitor the compliance of certified ((~~regional support networks~~)) behavioral health organizations and their network of licensed service providers for compliance with the contract between the department, the ((~~regional support network~~)) behavioral health organization, and federal and state rules at reasonable times and in a reasonable manner;

((~~(k)~~)) (j) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

((~~(l)~~)) (k) Monitor and audit ((~~regional support networks~~)) behavioral health organizations and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

((~~(m)~~)) (l) Adopt such rules as are necessary to implement the department's responsibilities under this chapter;

((~~(n)~~)) (m) Assure the availability of an appropriate amount, as determined by the legislature in the operating budget by amounts appropriated for this specific purpose, of community-based, geographically distributed residential services;

((~~(o)~~)) (n) Certify crisis stabilization units that meet state minimum standards;

((~~(p)~~)) (o) Certify clubhouses that meet state minimum standards; and

((~~(q)~~)) (p) Certify triage facilities that meet state minimum standards.

(6) The secretary shall use available resources only for ((~~regional support networks~~)) behavioral health organizations, except:

(a) To the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act; or

(b) To incentivize improved performance with respect to the

client outcomes established in RCW 43.20A.895, 70.320.020, and 71.36.025, integration of behavioral health and medical services at the clinical level, and improved care coordination for individuals with complex care needs.

(7) Each ((~~certified regional support network~~)) behavioral health organization and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A ((~~certified regional support network~~)) behavioral health organization or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any ((~~regional support network~~)) behavioral health organization or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any ((~~regional support network~~)) behavioral health organizations or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a ((~~regional support network~~)) behavioral health organization or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13) The standards for certification of crisis stabilization units shall include standards that:

(a) Permit location of the units at a jail facility if the unit is physically separate from the general population of the jail;

(b) Require administration of the unit by mental health professionals who direct the stabilization and rehabilitation efforts; and

(c) Provide an environment affording security appropriate with the alleged criminal behavior and necessary to protect the public safety.

(14) The standards for certification of a clubhouse shall at a minimum include:

(a) The facilities may be peer-operated and must be recovery-focused;

(b) Members and employees must work together;

(c) Members must have the opportunity to participate in all the work of the clubhouse, including administration, research, intake and orientation, outreach, hiring, training and evaluation of staff, public relations, advocacy, and evaluation of clubhouse effectiveness;

(d) Members and staff and ultimately the clubhouse director must be responsible for the operation of the clubhouse, central to this responsibility is the engagement of members and staff in all aspects of clubhouse operations;

(e) Clubhouse programs must be comprised of structured activities including but not limited to social skills training, vocational rehabilitation, employment training and job placement, and community resource development;

(f) Clubhouse programs must provide in-house educational programs that significantly utilize the teaching and tutoring skills of members and assist members by helping them to take advantage of adult education opportunities in the community;

(g) Clubhouse programs must focus on strengths, talents, and abilities of its members;

(h) The work-ordered day may not include medication clinics, day treatment, or other therapy programs within the clubhouse.

(15) The department shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

(16) The secretary shall assume all duties assigned to the nonparticipating ((~~regional support networks~~)) behavioral health organizations under chapters 71.05 and 71.34 RCW and this chapter. Such responsibilities shall include those which would have been assigned to the nonparticipating counties in regions where there are not participating ((~~regional support networks~~)) behavioral health organizations.

The ((~~regional support networks~~)) behavioral health organizations, or the secretary's assumption of all responsibilities under chapters 71.05 and 71.34 RCW and this chapter, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(17) The secretary shall:

(a) Disburse funds for the ((~~regional support networks~~)) behavioral health organizations within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with ((~~regional support networks~~)) behavioral health organizations. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Notify ((~~regional support networks~~)) behavioral health organizations of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(d) Deny all or part of the funding allocations to ((~~regional support networks~~)) behavioral health organizations based solely upon formal findings of noncompliance with the terms of the ((~~regional support network's~~)) behavioral health organization's contract with the department. ((~~Regional support networks~~)) Behavioral health organizations disputing the decision of the secretary to withhold funding allocations are limited to the remedies provided in the department's contracts with the ((~~regional support networks~~)) behavioral health organizations.

(18) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by freestanding evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

Sec. 11. RCW 71.24.045 and 2006 c 333 s 105 are each amended to read as follows:

The ((~~regional support network~~)) behavioral health organization shall:

(1) Contract as needed with licensed service providers. The ((~~regional support network~~)) behavioral health organization may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for

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licensing by the department for the purpose of providing services not available from licensed service providers;

(2) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the ((~~regional support network~~)) behavioral health organization shall comply with rules promulgated by the secretary that shall provide measurements to determine when a ((~~regional support network~~)) behavioral health organization provided service is more efficient and cost effective;

(3) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the ((~~regional support network~~)) behavioral health organization to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts;

(4) Assure that the special needs of minorities, the elderly, ((~~disabled~~)) individuals with disabilities, children, and low-income persons are met within the priorities established in this chapter;

(5) Maintain patient tracking information in a central location as required for resource management services and the department's information system;

(6) Collaborate to ensure that policies do not result in an adverse shift of ((~~mentally ill~~)) persons with mental illness into state and local correctional facilities;

(7) Work with the department to expedite the enrollment or re-enrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases;

(8) ((~~If a regional support network is not operated by the county,~~)) Work closely with the county designated mental health professional or county designated crisis responder to maximize appropriate placement of persons into community services; and

(9) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital to ensure they are transitioned into the community in accordance with mutually agreed upon discharge plans and upon determination by the medical director of the state mental hospital that they no longer need intensive inpatient care.

Sec. 12. RCW 71.24.100 and 2012 c 117 s 442 are each amended to read as follows:

A county authority or a group of county authorities may enter into a joint operating agreement to ((~~form~~)) respond to a request for a detailed plan and contract with the state to operate a ((~~regional support network~~)) behavioral health organization whose boundaries are consistent with the regional service areas established under section 2 of this act. Any agreement between two or more county authorities ((~~for the establishment of a regional support network~~)) shall provide:

(1) That each county shall bear a share of the cost of mental health services; and

(2) That the treasurer of one participating county shall be the custodian of funds made available for the purposes of such mental health services, and that the treasurer may make payments from such funds upon audit by the appropriate auditing officer of the county for which he or she is treasurer.

Sec. 13. RCW 71.24.110 and 1999 c 10 s 7 are each amended to read as follows:

An agreement ((~~for the establishment of a community mental health program~~)) to contract with the state to operate a behavioral health organization under RCW 71.24.100 may also provide:

(1) For the joint supervision or operation of services and facilities, or for the supervision or operation of service and facilities by one participating county under contract for the other participating counties; and

(2) For such other matters as are necessary or proper to effectuate the purposes of this chapter.

Sec. 14. RCW 71.24.340 and 2005 c 503 s 13 are each amended to read as follows:

The secretary shall require the ((~~regional support networks~~)) behavioral health organizations to develop ((~~interlocal agreements pursuant to RCW 74.09.555. To this end, the regional support networks shall~~)) agreements with city and county jails to accept referrals for enrollment on behalf of a confined person, prior to the person's release.

Sec. 15. RCW 71.24.420 and 2001 c 323 s 2 are each amended to read as follows:

The department shall operate the community mental health service delivery system authorized under this chapter within the following constraints:

(1) The full amount of federal funds for mental health services, plus qualifying state expenditures as appropriated in the biennial operating budget, shall be appropriated to the department each year in the biennial appropriations act to carry out the provisions of the community mental health service delivery system authorized in this chapter.

(2) The department may expend funds defined in subsection (1) of this section in any manner that will effectively accomplish the outcome measures ((~~defined in section 5 of this act~~)) established in RCW 43.20A.895 and 71.36.025 and performance measures linked to those outcomes.

(3) The department shall implement strategies that accomplish the outcome measures ((~~identified in section 5 of this act that are within the funding constraints in this section~~)) established in RCW 43.20A.895, 70.320.020, and 71.36.025 and performance measures linked to those outcomes.

(4) The department shall monitor expenditures against the appropriation levels provided for in subsection (1) of this section.

Sec. 16. RCW 70.96A.020 and 2001 c 13 s 1 are each amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Alcoholic" means a person who suffers from the disease of alcoholism.

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(3) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department of social and health services as meeting standards adopted under this chapter.

(4) "Chemical dependency" means:

(a) Alcoholism; (b) drug addiction; or (c) dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(5) "Chemical dependency program" means expenditures and activities of the department designed and conducted to prevent or treat alcoholism and other drug addiction, including reasonable administration and overhead.

(6) "Department" means the department of social and health services.

(7) "Designated chemical dependency specialist" or "specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in RCW 70.96A.140 and qualified to do so by meeting standards adopted by the department.

(8) "Director" means the person administering the chemical dependency program within the department.

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(9) "Drug addict" means a person who suffers from the disease of drug addiction.

(10) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(11) "Emergency service patrol" means a patrol established under RCW 70.96A.170.

(12) "Gravely disabled by alcohol or other psychoactive chemicals" or "gravely disabled" means that a person, as a result of the use of alcohol or other psychoactive chemicals: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by a repeated and escalating loss of cognition or volitional control over his or her actions and is not receiving care as essential for his or her health or safety.

(13) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, or a long-term alcoholism or drug treatment facility, or in confinement.

(14) "Incapacitated by alcohol or other psychoactive chemicals" means that a person, as a result of the use of alcohol or other psychoactive chemicals, is gravely disabled or presents a likelihood of serious harm to himself or herself, to any other person, or to property.

(15) "Incompetent person" means a person who has been adjudged incompetent by the superior court.

(16) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(17) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(18) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self; (ii) physical harm will be inflicted by an individual upon another, as evidenced by behavior that has caused the harm or that places another person or persons in reasonable fear of sustaining the harm; or (iii) physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(b) The individual has threatened the physical safety of another and has a history of one or more violent acts.

(19) "Medical necessity" for inpatient care of a minor means a requested certified inpatient service that is reasonably calculated to: (a) Diagnose, arrest, or alleviate a chemical dependency; or (b) prevent the worsening of chemical dependency conditions that endanger life or cause suffering and pain, or result in illness or infirmity or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(20) "Minor" means a person less than eighteen years of age.

(21) "Parent" means the parent or parents who have the legal right to custody of the child. Parent includes custodian or guardian.

(22) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(23) "Person" means an individual, including a minor.

(24) "Professional person in charge" or "professional person" means a physician or chemical dependency counselor as defined in rule by the department, who is empowered by a certified treatment program with authority to make assessment, admission, continuing care, and discharge decisions on behalf of the certified program.

(25) "Secretary" means the secretary of the department of social and health services.

(26) "Treatment" means the broad range of emergency, detoxification, residential, and outpatient services and care, including diagnostic evaluation, chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons.

(27) "Treatment program" means an organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of alcoholics or other drug addicts.

(28) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

(29) "Behavioral health organization" means a county authority or group of county authorities or other entity recognized by the secretary in contract in a defined regional service area.

(30) "Behavioral health services" means mental health services as described in chapters 71.24 and 71.36 RCW and chemical dependency treatment services as described in this chapter.

Sec. 17. RCW 70.96A.040 and 1989 c 270 s 5 are each amended to read as follows:

The department, in the operation of the chemical dependency program may:

(1) Plan, establish, and maintain prevention and treatment programs as necessary or desirable;

(2) Make contracts necessary or incidental to the performance of its duties and the execution of its powers, including managed care contracts for behavioral health services, contracts entered into under RCW 74.09.522, and contracts with public and private agencies, organizations, and individuals to pay them for services rendered or furnished to alcoholics or other drug addicts, persons incapacitated by alcohol or other psychoactive chemicals, or intoxicated persons;

(3) Enter into agreements for monitoring of verification of qualifications of counselors employed by approved treatment programs;

(4) Adopt rules under chapter 34.05 RCW to carry out the provisions and purposes of this chapter and contract, cooperate, and coordinate with other public or private agencies or individuals for those purposes;

(5) Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the federal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies in making an application for any grant;

(6) Administer or supervise the administration of the provisions relating to alcoholics, other drug addicts, and intoxicated persons of any state plan submitted for federal funding pursuant to federal health, welfare, or treatment legislation;

(7) Coordinate its activities and cooperate with chemical dependency programs in this and other states, and make contracts and other joint or cooperative arrangements with state, local, or private agencies in this and other states for the treatment of alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons and for the common advancement of chemical dependency programs;

(8) Keep records and engage in research and the gathering of relevant statistics;

(9) Do other acts and things necessary or convenient to execute the authority expressly granted to it;

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(10) Acquire, hold, or dispose of real property or any interest therein, and construct, lease, or otherwise provide treatment programs.

Sec. 18. RCW 70.96A.050 and 2001 c 13 s 2 are each amended to read as follows:

The department shall:

(1) Develop, encourage, and foster statewide, regional, and local plans and programs for the prevention of alcoholism and other drug addiction, treatment of alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons in cooperation with public and private agencies, organizations, and individuals and provide technical assistance and consultation services for these purposes;

(2) Assure that any behavioral health organization contract or managed care contract under RCW 74.09.522 for behavioral health services or program for the treatment of persons with alcohol or drug use disorders provides medically necessary services to medicaid recipients. This must include a continuum of mental health and chemical dependency services consistent with the state's medicaid plan or federal waiver authorities, and nonmedicaid services consistent with priorities established by the department;

(3) Coordinate the efforts and enlist the assistance of all public and private agencies, organizations, and individuals interested in prevention of alcoholism and drug addiction, and treatment of alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons;

((~~(3)~~)) (4) Cooperate with public and private agencies in establishing and conducting programs to provide treatment for alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons who are clients of the correctional system;

((~~(4)~~)) (5) Cooperate with the superintendent of public instruction, state board of education, schools, police departments, courts, and other public and private agencies, organizations and individuals in establishing programs for the prevention of alcoholism and other drug addiction, treatment of alcoholics or other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons, and preparing curriculum materials thereon for use at all levels of school education;

((~~(5)~~)) (6) Prepare, publish, evaluate, and disseminate educational material dealing with the nature and effects of alcohol and other psychoactive chemicals and the consequences of their use;

((~~(6)~~)) (7) Develop and implement, as an integral part of treatment programs, an educational program for use in the treatment of alcoholics or other drug addicts, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons, which program shall include the dissemination of information concerning the nature and effects of alcohol and other psychoactive chemicals, the consequences of their use, the principles of recovery, and HIV and AIDS;

((~~(7)~~)) (8) Organize and foster training programs for persons engaged in treatment of alcoholics or other drug addicts, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons;

((~~(8)~~)) (9) Sponsor and encourage research into the causes and nature of alcoholism and other drug addiction, treatment of alcoholics and other drug addicts, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons, and serve as a clearinghouse for information relating to alcoholism or other drug addiction;

((~~(9)~~)) (10) Specify uniform methods for keeping statistical information by public and private agencies, organizations, and individuals, and collect and make available relevant statistical information, including number of persons treated, frequency of admission and readmission, and frequency and duration of treatment;

((~~(10)~~)) (11) Advise the governor in the preparation of a comprehensive plan for treatment of alcoholics and other drug addicts, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons for inclusion in the state's comprehensive health plan;

((~~(11)~~)) (12) Review all state health, welfare, and treatment plans to be submitted for federal funding under federal legislation, and advise the governor on provisions to be included relating to alcoholism and other drug addiction, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons;

((~~(12)~~)) (13) Assist in the development of, and cooperate with, programs for alcohol and other psychoactive chemical education and treatment for employees of state and local governments and businesses and industries in the state;

((~~(13)~~)) (14) Use the support and assistance of interested persons in the community to encourage alcoholics and other drug addicts voluntarily to undergo treatment;

((~~(14)~~)) (15) Cooperate with public and private agencies in establishing and conducting programs designed to deal with the problem of persons operating motor vehicles while intoxicated;

((~~(15)~~)) (16) Encourage general hospitals and other appropriate health facilities to admit without discrimination alcoholics and other drug addicts, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons and to provide them with adequate and appropriate treatment;

((~~(16)~~)) (17) Encourage all health and disability insurance programs to include alcoholism and other drug addiction as a covered illness; and

((~~(17)~~)) (18) Organize and sponsor a statewide program to help court personnel, including judges, better understand the disease of alcoholism and other drug addiction and the uses of chemical dependency treatment programs.

Sec. 19. RCW 70.96A.080 and 1989 c 270 s 18 are each amended to read as follows:

(1) In coordination with the health care authority, the department shall establish by ((~~all~~)) appropriate means, ((~~including contracting for services,~~)) a comprehensive and coordinated ((~~discrete~~)) program for the treatment of ((~~alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated~~)) persons with chemical dependency.

(2)(a) The program shall include, but not necessarily be limited to, a continuum of chemical dependency treatment services that includes:

((~~(a)~~)) (i) Detoxification services available twenty-four hours a day;

((~~(b)~~)) (ii) Residential treatment; ((~~and (c)~~)) (iii) Outpatient treatment, including medication assisted treatment; and

(iv) Contracts with at least one provider in operation as of January 1, 2014, for case management and residential treatment services for pregnant and parenting women.

(b) The program may include peer support, supported housing, supported employment, crisis diversion, or recovery support services.

(3) All appropriate public and private resources shall be coordinated with and used in the program when possible.

(4) The department may contract for the use of an approved treatment program or other individual or organization if the secretary considers this to be an effective and economical course to follow.

(5) By April 1, 2016, treatment provided under this chapter must be purchased primarily through managed care contracts.

Sec. 20. RCW 70.96A.320 and 2013 c 320 s 8 are each amended to read as follows:

(1) A county legislative authority, or two or more counties acting jointly, may establish an alcoholism and other drug addiction program. If two or more counties jointly establish the program, they

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shall designate one county to provide administrative and financial services.

(2) To be eligible for funds from the department for the support of the county alcoholism and other drug addiction program, the county legislative authority shall establish a county alcoholism and other drug addiction board under RCW 70.96A.300 and appoint a county alcoholism and other drug addiction program coordinator under RCW 70.96A.310.

(3) The county legislative authority may apply to the department for financial support for the county program of alcoholism and other drug addiction. To receive financial support, the county legislative authority shall submit a plan that meets the following conditions:

(a) It shall describe the prevention, early intervention, or recovery support services and activities to be provided;

(b) It shall include anticipated expenditures and revenues;

(c) It shall be prepared by the county alcoholism and other drug addiction program board and be adopted by the county legislative authority;

(d) It shall reflect maximum effective use of existing services and programs; and

(e) It shall meet other conditions that the secretary may require.

(4) The county may accept and spend gifts, grants, and fees, from public and private sources, to implement its program of alcoholism and other drug addiction.

(5) The department shall require that any agreement to provide financial support to a county that performs the activities of a service coordination organization for alcoholism and other drug addiction services must incorporate the expected outcomes and criteria to measure the performance of service coordination organizations as provided in chapter 70.320 RCW.

(6) The county may subcontract for prevention, early intervention, or recovery support services with approved prevention or treatment programs.

(7) To continue to be eligible for financial support from the department for the county alcoholism and other drug addiction program, an increase in state financial support shall not be used to supplant local funds from a source that was used to support the county alcoholism and other drug addiction program before the effective date of the increase.

Sec. 21. RCW 71.24.049 and 2001 c 323 s 13 are each amended to read as follows:

By January 1st of each odd-numbered year, the ((~~regional support network~~)) behavioral health organization shall identify: (1) The number of children in each priority group, as defined by this chapter, who are receiving mental health services funded in part or in whole under this chapter, (2) the amount of funds under this chapter used for children's mental health services, (3) an estimate of the number of unserved children in each priority group, and (4) the estimated cost of serving these additional children and their families.

Sec. 22. RCW 71.24.061 and 2007 c 359 s 7 are each amended to read as follows:

(1) The department shall provide flexibility in provider contracting to ((~~regional support networks~~)) behavioral health organizations for children's mental health services. Beginning with 2007-2009 biennium contracts, ((~~regional support network~~)) behavioral health organization contracts shall authorize ((~~regional support networks~~)) behavioral health organizations to allow and encourage licensed community mental health centers to subcontract with individual licensed mental health professionals when necessary to meet the need for an adequate, culturally competent, and qualified children's mental health provider network.

(2) To the extent that funds are specifically appropriated for this purpose or that nonstate funds are available, a children's mental health evidence-based practice institute shall be established at the University of Washington division of public behavioral health and justice policy. The institute shall closely collaborate with entities currently engaged in evaluating and promoting the use of evidence- based, research-based, promising, or consensus-based practices in children's mental health treatment, including but not limited to the University of Washington department of psychiatry and behavioral sciences, children's hospital and regional medical center, the University of Washington school of nursing, the University of Washington school of social work, and the Washington state institute for public policy. To ensure that funds appropriated are used to the greatest extent possible for their intended purpose, the University of Washington's indirect costs of administration shall not exceed ten percent of appropriated funding. The institute shall:

(a) Improve the implementation of evidence-based and research-based practices by providing sustained and effective training and consultation to licensed children's mental health providers and child-serving agencies who are implementing evidence-based or researched-based practices for treatment of children's emotional or behavioral disorders, or who are interested in adapting these practices to better serve ethnically or culturally diverse children. Efforts under this subsection should include a focus on appropriate oversight of implementation of evidence-based practices to ensure fidelity to these practices and thereby achieve positive outcomes;

(b) Continue the successful implementation of the "partnerships for success" model by consulting with communities so they may select, implement, and continually evaluate the success of evidence-based practices that are relevant to the needs of children, youth, and families in their community;

(c) Partner with youth, family members, family advocacy, and culturally competent provider organizations to develop a series of information sessions, literature, and online resources for families to become informed and engaged in evidence-based and research-based practices;

(d) Participate in the identification of outcome-based performance measures under RCW 71.36.025(2) and partner in a statewide effort to implement statewide outcomes monitoring and quality improvement processes; and

(e) Serve as a statewide resource to the department and other entities on child and adolescent evidence-based, research-based, promising, or consensus-based practices for children's mental health treatment, maintaining a working knowledge through ongoing review of academic and professional literature, and knowledge of other evidence- based practice implementation efforts in Washington and other states.

(3) To the extent that funds are specifically appropriated for this purpose, the department in collaboration with the evidence-based practice institute shall implement a pilot program to support primary care providers in the assessment and provision of appropriate diagnosis and treatment of children with mental and behavioral health disorders and track outcomes of this program. The program shall be designed to promote more accurate diagnoses and treatment through timely case consultation between primary care providers and child psychiatric specialists, and focused educational learning collaboratives with primary care providers.

Sec. 23. RCW 71.24.155 and 2001 c 323 s 14 are each amended to read as follows:

Grants shall be made by the department to ((~~regional support networks~~)) behavioral health organizations for community mental health programs totaling not less than ninety-five percent of available resources. The department may use up to forty percent of the remaining five percent to provide community demonstration projects, including early intervention or primary prevention programs for children, and the remainder shall be for emergency needs and technical assistance under this chapter.

Sec. 24. RCW 71.24.160 and 2011 c 343 s 6 are each amended to read as follows:

The ((~~regional support networks~~)) behavioral health organizations shall make satisfactory showing to the secretary that state funds shall

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in no case be used to replace local funds from any source being used to finance mental health services prior to January 1, 1990. Maintenance of effort funds devoted to judicial services related to involuntary commitment reimbursed under RCW 71.05.730 must be expended for other purposes that further treatment for mental health and chemical dependency disorders.

Sec. 25. RCW 71.24.250 and 2001 c 323 s 16 are each amended to read as follows:

The ((~~regional support network~~)) behavioral health organization may accept and expend gifts and grants received from private, county, state, and federal sources.

Sec. 26. RCW 71.24.300 and 2008 c 261 s 4 are each amended to read as follows:

(1) Upon the request of a tribal authority or authorities within a ((~~regional support network~~)) behavioral health organization the joint operating agreement or the county authority shall allow for the inclusion of the tribal authority to be represented as a party to the ((~~regional support network~~)) behavioral health organization.

(2) The roles and responsibilities of the county and tribal authorities shall be determined by the terms of that agreement including a determination of membership on the governing board and advisory committees, the number of tribal representatives to be party to the agreement, and the provisions of law and shall assure the provision of culturally competent services to the tribes served.

(3) The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under ((~~regional support networks~~)) behavioral health organizations by rule, except to assure that all duties required of ((~~regional support networks~~)) behavioral health organizations are assigned and that counties and the ((~~regional support network~~)) behavioral health organization do not duplicate functions and that a single authority has final responsibility for all available resources and performance under the ((~~regional support network's~~)) behavioral health organization's contract with the secretary.

(4) If a ((~~regional support network~~)) behavioral health organization is a private entity, the department shall allow for the inclusion of the tribal authority to be represented as a party to the ((~~regional support network~~)) behavioral health organization.

(5) The roles and responsibilities of the private entity and the tribal authorities shall be determined by the department, through negotiation with the tribal authority.

(6) ((~~Regional support networks~~)) Behavioral health organizations shall submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties:

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

(b) Administer and provide for the availability of all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

(c) Provide within the boundaries of each ((~~regional support network~~)) behavioral health organization evaluation and treatment services for at least ninety percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. ((~~Regional support networks~~)) Behavioral health organizations may contract to purchase evaluation and treatment services from other ((~~networks~~)) organizations if they are unable to provide for appropriate resources within their boundaries. Insofar as the original intent of serving persons in the community is maintained, the secretary is authorized to approve exceptions on a case-by-case basis to the requirement to provide evaluation and treatment services within the boundaries of each ((~~regional support network~~)) behavioral health organization. Such exceptions are limited to:

(i) Contracts with neighboring or contiguous regions; or

(ii) Individuals detained or committed for periods up to seventeen days at the state hospitals at the discretion of the secretary.

(d) Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, employment services as ((~~defined~~)) described in RCW 71.24.035, and mental health services to children.

(e) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

(7) A ((~~regional support network~~)) behavioral health organization may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the persons with mental illness and which is within the boundaries of a ((~~regional support network~~)) behavioral health organization be made available to support the operations of the ((~~regional support network~~)) behavioral health organization. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

(8) Each ((~~regional support network~~)) behavioral health organization shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter, provide local oversight regarding the activities of the ((~~regional support network~~)) behavioral health organization, and work with the ((~~regional support network~~)) behavioral health organization to resolve significant concerns regarding service delivery and outcomes. The department shall establish statewide procedures for the operation of regional advisory committees including mechanisms for advisory board feedback to the department regarding ((~~regional support network~~)) behavioral health organization performance. The composition of the board shall be broadly representative of the demographic character of the region and shall include, but not be limited to, representatives of consumers and families, law enforcement, and where the county is not the ((~~regional support network~~)) behavioral health organization, county elected officials. Composition and length of terms of board members may differ between ((~~regional support networks~~)) behavioral health organizations but shall be included in each ((~~regional support network's~~)) behavioral health organization's contract and approved by the secretary.

(9) ((~~Regional support networks~~)) Behavioral health organizations shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary.

(10) ((~~Regional support networks~~)) Behavioral health organizations may receive technical assistance from the housing trust fund and may identify and submit projects for housing and housing support services to the housing trust fund established under chapter 43.185 RCW. Projects identified or submitted under this subsection must be fully integrated with the ((~~regional support network~~)) behavioral health organization six-year operating and capital plan, timeline, and budget required by subsection (6) of this section.

Sec. 27. RCW 71.24.310 and 2013 2nd sp.s. c 4 s 994 are each amended to read as follows:

The legislature finds that administration of chapter 71.05 RCW and this chapter can be most efficiently and effectively implemented as part of the ((~~regional support network~~)) behavioral health organization defined in RCW 71.24.025. For this reason, the legislature intends that the department and the ((~~regional support networks~~)) behavioral health organizations shall work together to implement chapter 71.05 RCW as follows:

(1) By June 1, 2006, ((~~regional support networks~~)) behavioral health organizations shall recommend to the department the number of state hospital beds that should be allocated for use by each ((~~regional support network~~)) behavioral health organization. The statewide total allocation shall not exceed the number of state hospital

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beds offering long-term inpatient care, as defined in this chapter, for which funding is provided in the biennial appropriations act.

(2) If there is consensus among the ((~~regional support networks~~)) behavioral health organizations regarding the number of state hospital beds that should be allocated for use by each ((~~regional support network~~)) behavioral health organization, the department shall contract with each ((~~regional support network~~)) behavioral health organization accordingly.

(3) If there is not consensus among the ((~~regional support networks~~)) behavioral health organizations regarding the number of beds that should be allocated for use by each ((~~regional support network~~)) behavioral health organization, the department shall establish by emergency rule the number of state hospital beds that are available for use by each ((~~regional support network~~)) behavioral health organization. The emergency rule shall be effective September 1, 2006. The primary factor used in the allocation shall be the estimated number of adults with acute and chronic mental illness in each ((~~regional support network~~)) behavioral health organization area, based upon population-adjusted incidence and utilization.

(4) The allocation formula shall be updated at least every three years to reflect demographic changes, and new evidence regarding the incidence of acute and chronic mental illness and the need for long-term inpatient care. In the updates, the statewide total allocation shall include (a) all state hospital beds offering long-term inpatient care for which funding is provided in the biennial appropriations act; plus (b) the estimated equivalent number of beds or comparable diversion services contracted in accordance with subsection (5) of this section.

(5) The department is encouraged to enter performance-based contracts with ((~~regional support networks~~)) behavioral health organizations to provide some or all of the ((~~regional support network's~~)) behavioral health organization's allocated long-term inpatient treatment capacity in the community, rather than in the state hospital. The performance contracts shall specify the number of patient days of care available for use by the ((~~regional support network~~)) behavioral health organization in the state hospital.

(6) If a ((~~regional support network~~)) behavioral health organization uses more state hospital patient days of care than it has been allocated under subsection (3) or (4) of this section, or than it has contracted to use under subsection (5) of this section, whichever is less, it shall reimburse the department for that care, except during the period of July 1, 2012, through December 31, 2013, where reimbursements may be temporarily altered per section 204, chapter 4, Laws of 2013 2nd sp. sess. The reimbursement rate per day shall be the hospital's total annual budget for long-term inpatient care, divided by the total patient days of care assumed in development of that budget.

(7) One-half of any reimbursements received pursuant to subsection (6) of this section shall be used to support the cost of operating the state hospital and, during the 2007-2009 fiscal biennium, implementing new services that will enable a ((~~regional support network~~)) behavioral health organization to reduce its utilization of the state hospital. The department shall distribute the remaining half of such reimbursements among ((~~regional support networks~~)) behavioral health organizations that have used less than their allocated or contracted patient days of care at that hospital, proportional to the number of patient days of care not used.

Sec. 28. RCW 71.24.350 and 2013 c 23 s 189 are each amended to read as follows:

The department shall require each ((~~regional support network~~)) behavioral health organization to provide for a separately funded mental health ombuds office in each ((~~regional support network~~)) behavioral health organization that is independent of the ((~~regional support network~~)) behavioral health organization. The ombuds office shall maximize the use of consumer advocates.

Sec. 29. RCW 71.24.370 and 2006 c 333 s 103 are each amended to read as follows:

(1) Except for monetary damage claims which have been reduced to final judgment by a superior court, this section applies to all claims against the state, state agencies, state officials, or state employees that exist on or arise after March 29, 2006.

(2) Except as expressly provided in contracts entered into between the department and the ((~~regional support networks~~)) behavioral health organizations after March 29, 2006, the entities identified in subsection (3) of this section shall have no claim for declaratory relief, injunctive relief, judicial review under chapter 34.05 RCW, or civil liability against the state or state agencies for actions or inactions performed pursuant to the administration of this chapter with regard to the following: (a) The allocation or payment of federal or state funds; (b) the use or allocation of state hospital beds; or (c) financial responsibility for the provision of inpatient mental health care.

(3) This section applies to counties, ((~~regional support networks~~)) behavioral health organizations, and entities which contract to provide ((~~regional support network~~)) behavioral health organization services and their subcontractors, agents, or employees.

Sec. 30. RCW 71.24.455 and 1997 c 342 s 2 are each amended to read as follows:

(1) The secretary shall select and contract with a ((~~regional support network~~)) behavioral health organization or private provider to provide specialized access and services to ((~~mentally ill~~)) offenders with mental illness upon release from total confinement within the department of corrections who have been identified by the department of corrections and selected by the ((~~regional support network~~)) behavioral health organization or private provider as high-priority clients for services and who meet service program entrance criteria. The program shall enroll no more than twenty-five offenders at any one time, or a number of offenders that can be accommodated within the appropriated funding level, and shall seek to fill any vacancies that occur.

(2) Criteria shall include a determination by department of corrections staff that:

(a) The offender suffers from a major mental illness and needs continued mental health treatment;

(b) The offender's previous crime or crimes have been determined by either the court or department of corrections staff to have been substantially influenced by the offender's mental illness;

(c) It is believed the offender will be less likely to commit further criminal acts if provided ongoing mental health care;

(d) The offender is unable or unlikely to obtain housing and/or treatment from other sources for any reason; and

(e) The offender has at least one year remaining before his or her sentence expires but is within six months of release to community housing and is currently housed within a work release facility or any department of corrections' division of prisons facility.

(3) The ((~~regional support network~~)) behavioral health organization or private provider shall provide specialized access and services to the selected offenders. The services shall be aimed at lowering the risk of recidivism. An oversight committee composed of a representative of the department, a representative of the selected ((~~regional support network~~)) behavioral health organization or private provider, and a representative of the department of corrections shall develop policies to guide the pilot program, provide dispute resolution including making determinations as to when entrance criteria or required services may be waived in individual cases, advise the department of corrections and the ((~~regional support network~~)) behavioral health organization or private provider on the selection of eligible offenders, and set minimum requirements for service contracts. The selected ((~~regional support network~~)) behavioral health organization or private provider shall implement the policies and service contracts. The following services shall be provided:

(a) Intensive case management to include a full range of intensive community support and treatment in client-to-staff ratios of not more

than ten offenders per case manager including: (i) A minimum of weekly group and weekly individual counseling; (ii) home visits by the program manager at least two times per month; and (iii) counseling focusing on relapse prevention and past, current, or future behavior of the offender.

(b) The case manager shall attempt to locate and procure housing appropriate to the living and clinical needs of the offender and as needed to maintain the psychiatric stability of the offender. The entire range of emergency, transitional, and permanent housing and involuntary hospitalization must be considered as available housing options. A housing subsidy may be provided to offenders to defray housing costs up to a maximum of six thousand six hundred dollars per offender per year and be administered by the case manager. Additional funding sources may be used to offset these costs when available.

(c) The case manager shall collaborate with the assigned prison, work release, or community corrections staff during release planning, prior to discharge, and in ongoing supervision of the offender while under the authority of the department of corrections.

(d) Medications including the full range of psychotropic medications including atypical antipsychotic medications may be required as a condition of the program. Medication prescription, medication monitoring, and counseling to support offender understanding, acceptance, and compliance with prescribed medication regimens must be included.

(e) A systematic effort to engage offenders to continuously involve themselves in current and long-term treatment and appropriate habilitative activities shall be made.

(f) Classes appropriate to the clinical and living needs of the offender and appropriate to his or her level of understanding.

(g) The case manager shall assist the offender in the application and qualification for entitlement funding, including medicaid, state assistance, and other available government and private assistance at any point that the offender is qualified and resources are available.

(h) The offender shall be provided access to daily activities such as drop-in centers, prevocational and vocational training and jobs, and volunteer activities.

(4) Once an offender has been selected into the pilot program, the offender shall remain in the program until the end of his or her sentence or unless the offender is released from the pilot program earlier by the department of corrections.

(5) Specialized training in the management and supervision of high- crime risk ((~~mentally ill~~)) offenders with mental illness shall be provided to all participating mental health providers by the department and the department of corrections prior to their participation in the program and as requested thereafter.

(6) The pilot program provided for in this section must be providing services by July 1, 1998.

Sec. 31. RCW 71.24.470 and 2009 c 319 s 1 are each amended to read as follows:

(1) The secretary shall contract, to the extent that funds are appropriated for this purpose, for case management services and such other services as the secretary deems necessary to assist offenders identified under RCW 72.09.370 for participation in the offender reentry community safety program. The contracts may be with ((~~regional support networks~~)) behavioral health organizations or any other qualified and appropriate entities.

(2) The case manager has the authority to assist these offenders in obtaining the services, as set forth in the plan created under RCW 72.09.370(2), for up to five years. The services may include coordination of mental health services, assistance with unfunded medical expenses, obtaining chemical dependency treatment, housing, employment services, educational or vocational training, independent living skills, parenting education, anger management services, and such other services as the case manager deems necessary.

(3) The legislature intends that funds appropriated for the purposes of RCW 72.09.370, 71.05.145, and 71.05.212, and this section and distributed to the ((~~regional support networks~~)) behavioral health organizations are to supplement and not to supplant general funding. Funds appropriated to implement RCW 72.09.370, 71.05.145, and 71.05.212, and this section are not to be considered available resources as defined in RCW 71.24.025 and are not subject to the priorities, terms, or conditions in the appropriations act established pursuant to RCW 71.24.035.

(4) The offender reentry community safety program was formerly known as the community integration assistance program.

Sec. 32. RCW 71.24.480 and 2009 c 319 s 2 are each amended to read as follows:

(1) A licensed service provider or ((~~regional support network~~)) behavioral health organization, acting in the course of the provider's or ((~~network's~~)) organization's duties under this chapter, is not liable for civil damages resulting from the injury or death of another caused by a participant in the offender reentry community safety program who is a client of the provider or ((~~network~~)) organization, unless the act or omission of the provider or ((~~network~~)) organization constitutes:

(a) Gross negligence;

(b) Willful or wanton misconduct; or

(c) A breach of the duty to warn of and protect from a client's threatened violent behavior if the client has communicated a serious threat of physical violence against a reasonably ascertainable victim or victims.

(2) In addition to any other requirements to report violations, the licensed service provider and ((~~regional support network~~)) behavioral health organization shall report an offender's expressions of intent to harm or other predatory behavior, regardless of whether there is an ascertainable victim, in progress reports and other established processes that enable courts and supervising entities to assess and address the progress and appropriateness of treatment.

(3) A licensed service provider's or ((~~regional support network's~~)) behavioral health organization's mere act of treating a participant in the offender reentry community safety program is not negligence. Nothing in this subsection alters the licensed service provider's or ((~~regional support network's~~)) behavioral health organization's normal duty of care with regard to the client.

(4) The limited liability provided by this section applies only to the conduct of licensed service providers and ((~~regional support networks~~)) behavioral health organizations and does not apply to conduct of the state.

(5) For purposes of this section, "participant in the offender reentry community safety program" means a person who has been identified under RCW 72.09.370 as an offender who: (a) Is reasonably believed to be dangerous to himself or herself or others; and (b) has a mental disorder.

Sec. 33. RCW 71.24.845 and 2013 c 230 s 1 are each amended to read as follows:

The ((~~regional support networks~~)) behavioral health organizations shall jointly develop a uniform transfer agreement to govern the transfer of clients between ((~~regional support networks~~)) behavioral health organizations. By September 1, 2013, the ((~~regional support networks~~)) behavioral health organizations shall submit the uniform transfer agreement to the department. By December 1, 2013, the department shall establish guidelines to implement the uniform transfer agreement and may modify the uniform transfer agreement as necessary to avoid impacts on state administrative systems.

Sec. 34. RCW 71.24.055 and 2007 c 359 s 4 are each amended to read as follows:

As part of the system transformation initiative, the department of social and health services shall undertake the following activities related specifically to children's mental health services:

(1) The development of recommended revisions to the access to care standards for children. The recommended revisions shall reflect the policies and principles set out in RCW 71.36.005, 71.36.010, and 71.36.025, and recognize that early identification, intervention and prevention services, and brief intervention services may be provided outside of the ((~~regional support network~~)) behavioral health organization system. Revised access to care standards shall assess a child's need for mental health services based upon the child's diagnosis and its negative impact upon his or her persistent impaired functioning in family, school, or the community, and should not solely condition the receipt of services upon a determination that a child is engaged in high risk behavior or is in imminent need of hospitalization or out-of-home placement. Assessment and diagnosis for children under five years of age shall be determined using a nationally accepted assessment tool designed specifically for children of that age. The recommendations shall also address whether amendments to RCW 71.24.025 ((~~(26) and~~)) (27) and (28) and 71.24.035(5) are necessary to implement revised access to care standards;

(2) Development of a revised children's mental health benefit package. The department shall ensure that services included in the children's mental health benefit package reflect the policies and principles included in RCW 71.36.005 and 71.36.025, to the extent allowable under medicaid, Title XIX of the federal social security act. Strong consideration shall be given to developmentally appropriate evidence-based and research-based practices, family-based interventions, the use of natural and peer supports, and community support services. This effort shall include a review of other states' efforts to fund family-centered children's mental health services through their medicaid programs;

(3) Consistent with the timeline developed for the system transformation initiative, recommendations for revisions to the children's access to care standards and the children's mental health services benefits package shall be presented to the legislature by January 1, 2009.

Sec. 35. RCW 71.24.065 and 2007 c 359 s 10 are each amended to read as follows:

To the extent funds are specifically appropriated for this purpose, the department of social and health services shall contract for implementation of a wraparound model of integrated children's mental health services delivery in up to four ((~~regional support network~~)) behavioral health organization regions in Washington state in which wraparound programs are not currently operating, and in up to two ((~~regional support network~~)) behavioral health organization regions in which wraparound programs are currently operating. Contracts in regions with existing wraparound programs shall be for the purpose of expanding the number of children served.

(1) Funding provided may be expended for: Costs associated with a request for proposal and contracting process; administrative costs associated with successful bidders' operation of the wraparound model; the evaluation under subsection (5) of this section; and funding for services needed by children enrolled in wraparound model sites that are not otherwise covered under existing state programs. The services provided through the wraparound model sites shall include, but not be limited to, services covered under the medicaid program. The department shall maximize the use of medicaid and other existing state- funded programs as a funding source. However, state funds provided may be used to develop a broader service package to meet needs identified in a child's care plan. Amounts provided shall supplement, and not supplant, state, local, or other funding for services that a child being served through a wraparound site would otherwise be eligible to receive.

(2) The wraparound model sites shall serve children with serious emotional or behavioral disturbances who are at high risk of residential or correctional placement or psychiatric hospitalization, and who have been referred for services from the department, a county juvenile court, a tribal court, a school, or a licensed mental health provider or agency.

(3) Through a request for proposal process, the department shall contract, with ((~~regional support networks~~)) behavioral health organizations, alone or in partnership with either educational service districts or entities licensed to provide mental health services to children with serious emotional or behavioral disturbances, to operate the wraparound model sites. The contractor shall provide care coordination and facilitate the delivery of services and other supports to families using a strength-based, highly individualized wraparound process. The request for proposal shall require that:

(a) The ((~~regional support network~~)) behavioral health organization agree to use its medicaid revenues to fund services included in the existing ((~~regional support network's~~)) behavioral health organization's benefit package that a medicaid-eligible child participating in the wraparound model site is determined to need;

(b) The contractor provide evidence of commitments from at least the following entities to participate in wraparound care plan development and service provision when appropriate: Community mental health agencies, schools, the department of social and health services children's administration, juvenile courts, the department of social and health services juvenile rehabilitation administration, and managed health care systems contracting with the department under RCW 74.09.522; and

(c) The contractor will operate the wraparound model site in a manner that maintains fidelity to the wraparound process as defined in RCW 71.36.010.

(4) Contracts for operation of the wraparound model sites shall be executed on or before April 1, 2008, with enrollment and service delivery beginning on or before July 1, 2008.

(5) The evidence-based practice institute established in RCW 71.24.061 shall evaluate the wraparound model sites, measuring outcomes for children served. Outcomes measured shall include, but are not limited to: Decreased out-of-home placement, including residential, group, and foster care, and increased stability of such placements, school attendance, school performance, recidivism, emergency room utilization, involvement with the juvenile justice system, decreased use of psychotropic medication, and decreased hospitalization.

(6) The evidence-based practice institute shall provide a report and recommendations to the appropriate committees of the legislature by December 1, 2010.

Sec. 36. RCW 71.24.240 and 2005 c 503 s 10 are each amended to read as follows:

In order to establish eligibility for funding under this chapter, any ((~~regional support network~~)) behavioral health organization seeking to obtain federal funds for the support of any aspect of a community mental health program as defined in this chapter shall submit program plans to the secretary for prior review and approval before such plans are submitted to any federal agency.

Sec. 37. RCW 71.24.320 and 2008 c 261 s 5 are each amended to read as follows:

(1) If an existing ((~~regional support network~~)) behavioral health organization chooses not to respond to a request for qualifications, or is unable to substantially meet the requirements of a request for qualifications, or notifies the department of social and health services it will no longer serve as a ((~~regional support network~~)) behavioral health organization, the department shall utilize a procurement process in which other entities recognized by the secretary may bid to serve as the ((~~regional support network~~)) behavioral health organization.

(a) The request for proposal shall include a scoring factor for proposals that include additional financial resources beyond that provided by state appropriation or allocation.

(b) The department shall provide detailed briefings to all bidders in accordance with department and state procurement policies.

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(c) The request for proposal shall also include a scoring factor for proposals submitted by nonprofit entities that include a component to maximize the utilization of state provided resources and the leverage of other funds for the support of mental health services to persons with mental illness.

(2) A ((~~regional support network~~)) behavioral health organization that voluntarily terminates, refuses to renew, or refuses to sign a mandatory amendment to its contract to act as a ((~~regional support network~~)) behavioral health organization is prohibited from responding to a procurement under this section or serving as a ((~~regional support network~~)) behavioral health organization for five years from the date that the department signs a contract with the entity that will serve as the ((~~regional support network~~)) behavioral health organization.

Sec. 38. RCW 71.24.330 and 2013 c 320 s 9 are each amended to read as follows:

(1)(a) Contracts between a ((~~regional support network~~)) behavioral health organization and the department shall include mechanisms for monitoring performance under the contract and remedies for failure to substantially comply with the requirements of the contract including, but not limited to, financial penalties, termination of the contract, and reprocurement of the contract.

(b) The department shall incorporate the criteria to measure the performance of service coordination organizations into contracts with ((~~regional support networks~~)) behavioral health organizations as provided in chapter 70.320 RCW.

(2) The ((~~regional support network~~)) behavioral health organization procurement processes shall encourage the preservation of infrastructure previously purchased by the community mental health service delivery system, the maintenance of linkages between other services and delivery systems, and maximization of the use of available funds for services versus profits. However, a ((~~regional support network~~)) behavioral health organization selected through the procurement process is not required to contract for services with any county-owned or operated facility. The ((~~regional support network~~)) behavioral health organization procurement process shall provide that public funds appropriated by the legislature shall not be used to promote or deter, encourage, or discourage employees from exercising their rights under Title 29, chapter 7, subchapter II, United States Code or chapter 41.56 RCW.

(3) In addition to the requirements of RCW 71.24.035, contracts shall:

(a) Define administrative costs and ensure that the ((~~regional support network~~)) behavioral health organization does not exceed an administrative cost of ten percent of available funds;

(b) Require effective collaboration with law enforcement, criminal justice agencies, and the chemical dependency treatment system;

(c) Require substantial implementation of department adopted integrated screening and assessment process and matrix of best practices;

(d) Maintain the decision-making independence of designated mental health professionals;

(e) Except at the discretion of the secretary or as specified in the biennial budget, require ((~~regional support networks~~)) behavioral health organizations to pay the state for the costs associated with individuals who are being served on the grounds of the state hospitals and who are not receiving long-term inpatient care as defined in RCW 71.24.025;

(f) Include a negotiated alternative dispute resolution clause; and

(g) Include a provision requiring either party to provide one hundred eighty days' notice of any issue that may cause either party to voluntarily terminate, refuse to renew, or refuse to sign a mandatory amendment to the contract to act as a ((~~regional support network~~)) behavioral health organization. If either party decides to voluntarily terminate, refuse to renew, or refuse to sign a mandatory amendment to the contract to serve as a ((~~regional support network~~)) behavioral health organization they shall provide ninety days' advance notice in writing to the other party.

Sec. 39. RCW 71.24.360 and 2012 c 91 s 1 are each amended to read as follows:

(1) The department may establish new ((~~regional support network~~)) behavioral health organization boundaries in any part of the state:

(a) Where more than one ((~~network~~)) organization chooses not to respond to, or is unable to substantially meet the requirements of, the request for qualifications under RCW 71.24.320;

(b) Where a ((~~regional support network~~)) behavioral health organization is subject to reprocurement under RCW 71.24.330; or

(c) Where two or more ((~~regional support networks~~)) behavioral health organizations propose to reconfigure themselves to achieve consolidation, in which case the procurement process described in RCW 71.24.320 and 71.24.330(2) does not apply.

(2) The department may establish no fewer than six and no more than fourteen ((~~regional support networks~~)) behavioral health organizations under this chapter. No entity shall be responsible for more than three ((~~regional support networks~~)) behavioral health organizations.

Sec. 40. RCW 71.24.405 and 2001 c 323 s 19 are each amended to read as follows:

The department shall establish a comprehensive and collaborative effort within ((~~regional support networks~~)) behavioral health organizations and with local mental health service providers aimed at creating innovative and streamlined community mental health service delivery systems, in order to carry out the purposes set forth in RCW 71.24.400 and to capture the diversity of the community mental health service delivery system.

The department must accomplish the following:

(1) Identification, review, and cataloging of all rules, regulations, duplicative administrative and monitoring functions, and other requirements that currently lead to inefficiencies in the community mental health service delivery system and, if possible, eliminate the requirements;

(2) The systematic and incremental development of a single system of accountability for all federal, state, and local funds provided to the community mental health service delivery system. Systematic efforts should be made to include federal and local funds into the single system of accountability;

(3) The elimination of process regulations and related contract and reporting requirements. In place of the regulations and requirements, a set of outcomes for mental health adult and children clients according to chapter 71.24 RCW must be used to measure the performance of mental health service providers and ((~~regional support networks~~)) behavioral health organizations. Such outcomes shall focus on stabilizing out-of-home and hospital care, increasing stable community living, increasing age-appropriate activities, achieving family and consumer satisfaction with services, and system efficiencies;

(4) Evaluation of the feasibility of contractual agreements between the department of social and health services and ((~~regional support networks~~)) behavioral health organizations and mental health service providers that link financial incentives to the success or failure of mental health service providers and ((~~regional support networks~~)) behavioral health organizations to meet outcomes established for mental health service clients;

(5) The involvement of mental health consumers and their representatives. Mental health consumers and their representatives will be involved in the development of outcome standards for mental health clients under section 5 of this act; and

(6) An independent evaluation component to measure the success of the department in fully implementing the provisions of RCW 71.24.400 and this section.

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Sec. 41. RCW 71.24.430 and 2001 c 323 s 3 are each amended to read as follows:

(1) The department shall ensure the coordination of allied services for mental health clients. The department shall implement strategies for resolving organizational, regulatory, and funding issues at all levels of the system, including the state, the ((~~regional support networks~~)) behavioral health organizations, and local service providers.

(2) The department shall propose, in operating budget requests, transfers of funding among programs to support collaborative service delivery to persons who require services from multiple department programs. The department shall report annually to the appropriate committees of the senate and house of representatives on actions and projects it has taken to promote collaborative service delivery.

Sec. 42. RCW 74.09.522 and 2013 2nd sp.s. c 17 s 13 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under this chapter and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(b) "Nonparticipating provider" means a person, health care provider, practitioner, facility, or entity, acting within their scope of practice, that does not have a written contract to participate in a managed health care system's provider network, but provides health care services to enrollees of programs authorized under this chapter whose health care services are provided by the managed health care system.

(2) The authority shall enter into agreements with managed health care systems to provide health care services to recipients of temporary assistance for needy families under the following conditions:

(a) Agreements shall be made for at least thirty thousand recipients statewide;

(b) Agreements in at least one county shall include enrollment of all recipients of temporary assistance for needy families;

(c) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act, recipients shall have a choice of systems in which to enroll and shall have the right to terminate their enrollment in a system: PROVIDED, That the authority may limit recipient termination of enrollment without cause to the first month of a period of enrollment, which period shall not exceed twelve months: AND PROVIDED FURTHER, That the authority shall not restrict a recipient's right to terminate enrollment in a system for good cause as established by the authority by rule;

(d) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act, participating managed health care systems shall not enroll a disproportionate number of medical assistance recipients within the total numbers of persons served by the managed health care systems, except as authorized by the authority under federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(e)(i) In negotiating with managed health care systems the authority shall adopt a uniform procedure to enter into contractual arrangements, to be included in contracts issued or renewed on or after January 1, 2015, including:

(A) Standards regarding the quality of services to be provided;

(B) The financial integrity of the responding system;

(C) Provider reimbursement methods that incentivize chronic care management within health homes, including comprehensive medication management services for patients with multiple chronic conditions consistent with the findings and goals established in RCW 74.09.5223;

(D) Provider reimbursement methods that reward health homes that, by using chronic care management, reduce emergency department and inpatient use;

(E) Promoting provider participation in the program of training and technical assistance regarding care of people with chronic conditions described in RCW 43.70.533, including allocation of funds to support provider participation in the training, unless the managed care system is an integrated health delivery system that has programs in place for chronic care management;

(F) Provider reimbursement methods within the medical billing processes that incentivize pharmacists or other qualified providers licensed in Washington state to provide comprehensive medication management services consistent with the findings and goals established in RCW 74.09.5223; ((~~and~~))

(G) Evaluation and reporting on the impact of comprehensive medication management services on patient clinical outcomes and total health care costs, including reductions in emergency department utilization, hospitalization, and drug costs; and

(H) Established consistent processes to incentivize integration of behavioral health services in the primary care setting, promoting care that is integrated, collaborative, co-located, and preventive.

(ii)(A) Health home services contracted for under this subsection may be prioritized to enrollees with complex, high cost, or multiple chronic conditions.

(B) Contracts that include the items in (e)(i)(C) through (G) of this subsection must not exceed the rates that would be paid in the absence of these provisions;

(f) The authority shall seek waivers from federal requirements as necessary to implement this chapter;

(g) The authority shall, wherever possible, enter into prepaid capitation contracts that include inpatient care. However, if this is not possible or feasible, the authority may enter into prepaid capitation contracts that do not include inpatient care;

(h) The authority shall define those circumstances under which a managed health care system is responsible for out-of-plan services and assure that recipients shall not be charged for such services;

(i) Nothing in this section prevents the authority from entering into similar agreements for other groups of people eligible to receive services under this chapter; and

(j) The authority must consult with the federal center for medicare and medicaid innovation and seek funding opportunities to support health homes.

(3) The authority shall ensure that publicly supported community health centers and providers in rural areas, who show serious intent and apparent capability to participate as managed health care systems are seriously considered as contractors. The authority shall coordinate its managed care activities with activities under chapter 70.47 RCW.

(4) The authority shall work jointly with the state of Oregon and other states in this geographical region in order to develop recommendations to be presented to the appropriate federal agencies and the United States congress for improving health care of the poor, while controlling related costs.

(5) The legislature finds that competition in the managed health care marketplace is enhanced, in the long term, by the existence of a large number of managed health care system options for medicaid clients. In a managed care delivery system, whose goal is to focus on prevention, primary care, and improved enrollee health status, continuity in care relationships is of substantial importance, and disruption to clients and health care providers should be minimized. To help ensure these goals are met, the following principles shall

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guide the authority in its healthy options managed health care purchasing efforts:

(a) All managed health care systems should have an opportunity to contract with the authority to the extent that minimum contracting requirements defined by the authority are met, at payment rates that enable the authority to operate as far below appropriated spending levels as possible, consistent with the principles established in this section.

(b) Managed health care systems should compete for the award of contracts and assignment of medicaid beneficiaries who do not voluntarily select a contracting system, based upon:

(i) Demonstrated commitment to or experience in serving low-income populations;

(ii) Quality of services provided to enrollees;

(iii) Accessibility, including appropriate utilization, of services offered to enrollees;

(iv) Demonstrated capability to perform contracted services, including ability to supply an adequate provider network;

(v) Payment rates; and

(vi) The ability to meet other specifically defined contract requirements established by the authority, including consideration of past and current performance and participation in other state or federal health programs as a contractor.

(c) Consideration should be given to using multiple year contracting periods.

(d) Quality, accessibility, and demonstrated commitment to serving low-income populations shall be given significant weight in the contracting, evaluation, and assignment process.

(e) All contractors that are regulated health carriers must meet state minimum net worth requirements as defined in applicable state laws. The authority shall adopt rules establishing the min worth requirements for contractors that are not regulat carriers. This subsection does not limit the authority of the Washington state health care authority to take action under a contract upon finding that a contractor's financial status seriously jeopardizes the contractor's ability to meet its contract obligations.

(f) Procedures for resolution of disputes between the authority and contract bidders or the authority and contracting carriers related to the award of, or failure to award, a managed care contract must be clearly set out in the procurement document.

(6) The authority may apply the principles set forth in subsection (5) of this section to its managed health care purchasing efforts on behalf of clients receiving supplemental security income benefits to the extent appropriate.

(7) By April 1, 2016, any contract with a managed health care system to provide services to medical assistance enrollees shall require that managed health care systems offer contracts to behavioral health organizations, mental health providers, or chemical dependency treatment providers to provide access to primary care services integrated into behavioral health clinical settings, for individuals with behavioral health and medical comorbidities.

(8) Managed health care system contracts effective on or after April 1, 2016, shall serve geographic areas that correspond to the regional service areas established in section 2 of this act.

(9) A managed health care system shall pay a nonparticipating provider that provides a service covered under this chapter to the system's enrollee no more than the lowest amount paid for that service under the managed health care system's contracts with similar providers in the state.

(((~~(8)~~))) (10) For services covered under this chapter to medical assistance or medical care services enrollees and provided on or after August 24, 2011, nonparticipating providers must accept as payment in full the amount paid by the managed health care system under subsection (7) of this section in addition to any deductible, coinsurance, or copayment that is due from the enrollee for the service provided. An enrollee is not liable to any nonparticipating provider for covered services, except for amounts due for any deductible, coinsurance, or copayment under the terms and conditions set forth in the managed health care system contract to provide services under this section.

(((~~(9)~~))) (11) Pursuant to federal managed care access standards, 42 C.F.R. Sec. 438, managed health care systems must maintain a network of appropriate providers that is supported by written agreements sufficient to provide adequate access to all services covered under the contract with the authority, including hospital-based physician services. The authority will monitor and periodically report on the proportion of services provided by contracted providers and nonparticipating providers, by county, for each managed health care system to ensure that managed health care systems are meeting network adequacy requirements. No later than January 1st of each year, the authority will review and report its findings to the appropriate policy and fiscal committees of the legislature for the preceding state fiscal year.

(((~~(10)~~))) (12) Payments under RCW 74.60.130 are exempt from this section.

(((~~(11)~~))) (13) Subsections (((~~(7)~~))) (9) through (((~~(9)~~))) (11) of this section expire July 1, 2016.

NEW SECTION. **Sec. 43.** Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 44.** Sections 6, 7, and 9 through 41 of this act take effect April 1, 2016."

Correct the title.

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

Amendment (760) 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 Moeller and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2639.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2639, and the bill passed the House by the following vote: Yeas, 66; Nays, 31; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Clibborn, Cody, Dahlquist, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Hansen, Harris, Hayes, Hope, Hudgins, Hunter, Hurst, Jinkins, Kagi, Kirby, Kochmar, Lytton, MacEwen, Moeller, Morrell, Morris, Moscoso, Muri, Ormsby, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Springer,

Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Chandler, Christian, Condotta, Fagan, G. Hunt, Haler, Hargrove, Hawkins, Holy, Johnson, Klippert, Kretz, Kristiansen, Magendanz, Manweller, Nealey, Orcutt, Overstreet, Parker, Pike, Ross, Scott, Shea, Short, Smith, Taylor, Vick, Warnick, Wilcox, Young and Zeiger.

Excused: Representative Ortiz-Self.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2639, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2339, by Representatives Cody and Ormsby

Concerning disclosure of health care information.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2339 was substituted for House Bill No. 2339 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2339 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 Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2339.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2339, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Orwall, Parker, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, G. Hunt, Overstreet, Pike, Scott, Shea, Taylor and Young.

Excused: Representative Ortiz-Self.

SUBSTITUTE HOUSE BILL NO. 2339, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2530, by Representatives Robinson, Jinkins, Morrell, Freeman and Santos

Requiring free infectious disease testing for good samaritans.

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 Robinson and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2530.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2530, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Ortiz-Self.

HOUSE BILL NO. 2530, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Moeller to preside.

HOUSE BILL NO. 2777, by Representatives Tharinger, Jinkins, Appleton, Ryu, Fitzgibbon, Ormsby, Pollet and Morrell

Concerning a study to determine the feasibility of coverage for long-term care services and support needs.

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 Tharinger and Johnson spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2777.

ROLL CALL

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The Clerk called the roll on the final passage of House Bill No. 2777, and the bill passed the House by the following vote: Yeas, 78; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Dahlquist, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Harris, Hawkins, Hayes, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Kochmar, Kretz, Kristiansen, Lytton, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Orwall, Parker, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Christian, Condotta, Fagan, G. Hunt, Hargrove, Holy, Klippert, MacEwen, Overstreet, Pike, Roberts, Schmick, Scott, Shea, Taylor, Vick and Young.

Excused: Representative Ortiz-Self.

HOUSE BILL NO. 2777, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1960, by House Committee on Finance (originally sponsored by Representative Seaquist)

Establishing benefit assessment charges for metropolitan park districts.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1960 was substituted for Substitute House Bill No. 1960 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1960 was read the second time.

Representative Seaquist moved the adoption of amendment (618).

On page 1, line 12, after "35.61.210" insert ", not subject to the limitations in RCW 84.52.043 or 84.52.050, in any one year"

On page 1, line 14, after "adjustments" insert "on at least an annual basis"

Representatives Seaquist and Nealey spoke in favor of the adoption of the amendment.

Amendment (618) 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 Seaquist spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1960.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1960, and the bill passed the House by the following vote: Yeas, 67; Nays, 30; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Chandler, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Harris, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Kochmar, Lytton, Magendanz, Moeller, Morrell, Morris, Moscoso, Nealey, Ormsby, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Warnick, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Christian, Condotta, Dahlquist, DeBolt, Fagan, G. Hunt, Hargrove, Hawkins, Hayes, Holy, Hurst, Klippert, Kretz, Kristiansen, MacEwen, Manweller, Muri, Orcutt, Overstreet, Parker, Pike, Schmick, Scott, Shea, Short, Smith, Taylor, Vick and Wilcox.

Excused: Representative Ortiz-Self.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1960, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2552, by Representatives Reykdal, Appleton, Sawyer, Kirby, Smith, Ormsby, Buys, Vick, S. Hunt, Fey and Tarleton

Concerning signature gathering for initiatives, referenda, and recall petitions. Revised for 1st Substitute: Concerning signature gathering for initiative, referendum, and recall petitions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2552 was substituted for House Bill No. 2552 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2552 was read the second time.

With the consent of the house, amendment (731) was withdrawn.

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

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

Representative Taylor spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2552.

ROLL CALL

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The Clerk called the roll on the final passage of Substitute House Bill No. 2552, and the bill passed the House by the following vote: Yeas, 71; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Christian, Clibborn, Cody, Dahlquist, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hayes, Hope, Hudgins, Hunter, Hurst, Jinkins, Kagi, Kirby, Klippert, Kochmar, Kristiansen, Lytton, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Ormsby, Orwall, Pettigrew, Reykdal, Riccelli, Roberts, Robinson, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Carlyle, Chandler, Condotta, DeBolt, G. Hunt, Hargrove, Harris, Hawkins, Holy, Johnson, Kretz, MacEwen, Magendanz, Manweller, Orcutt, Overstreet, Parker, Pike, Pollet, Rodne, Ross, Scott, Shea, Taylor, Wilcox and Young.

Excused: Representative Ortiz-Self.

SUBSTITUTE HOUSE BILL NO. 2552, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2309, by Representatives Condotta, Shea, Overstreet and Taylor

Providing fairness and flexibility in the payment of property taxes.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2309 was substituted for House Bill No. 2309 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2309 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 Condotta and Carlyle spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2309.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2309, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Ortiz-Self.

SUBSTITUTE HOUSE BILL NO. 2309, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2125, by Representatives Schmick, Cody and Buys

Removing the requirements that all fines collected be credited to the Washington horse racing commission class C purse fund account.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2125 was substituted for House Bill No. 2125 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2125 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 Schmick and Hudgins spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2125.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2125, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Ortiz-Self.

SUBSTITUTE HOUSE BILL NO. 2125, having received the necessary constitutional majority, was declared passed.

ENGROSSED HOUSE BILL NO. 2442, by Representatives Moscoso, Robinson, Ryu, Tarleton, Stanford and Tharinger

Concerning electronic salary and wage payments by counties.

The bill was read the second time.

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With the consent of the house, amendment (758) was withdrawn.

Representative Taylor moved the adoption of amendment (629).

On page 1, beginning on line 6, strike all of subsection (1) and insert the following:

"(1)(a) Except with regard to institutions of higher education as defined in RCW 28B.10.016, any official of the state or of any political subdivision, municipal corporation, or quasi-municipal corporation authorized to disburse funds in payment of salaries and wages of employees is authorized upon written request of at least twenty-five employees to pay all or part of such salaries or wages to any financial institution for either: (((~~(a)~~))) (i) Credit to the employees' accounts in such financial institution; or (((~~(b)~~))) (ii) immediate transfer therefrom to the employees' accounts in any other financial institutions.

(b) As an alternative to dispersing funds to a financial institution as authorized by (a) of this subsection, a county may disperse salaries or wages in a method agreed to by the county and the employee.

(c) Counties that disperse funds in accordance with this (a) of this subsection, may elect, by ordinance of the county legislative authority, to use the payment methods authorized by (a) or (b) of this subsection for all employees."

On page 2, beginning on line 25, after "(5)" strike all material through "(6)" on line 31

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

Representative Moscoso spoke against the adoption of the amendment.

Amendment (629) was not adopted.

Representative Dahlquist moved the adoption of amendment (775).

On page 3, after line 2, insert the following:

"NEW SECTION. **Sec. 2.** (1) The Washington state institute of public policy must conduct a study of all counties that elect to disburse funds in accordance with RCW 41.04.240(5) for payment of salaries and wages for all county employees. This study must identify:

(a) The percentages of county employees who receive payment of salaries and wages under RCW 41.04.240(2)(a) and under RCW 41.04.240(2)(b); and

(b) With regard to county employees' salaries and wages that are disbursed in accordance with RCW 41.04.240(b):

(i) The average amount and range of salaries and wages disbursed under RCW 41.04.240(b);

(ii) Each method of payment used to disburse funds; and

(iii) Whether each method of payment used to disburse funds is subject to a fee or charge and the amount of the fee or charge, if any.

(2) The Washington state institute of public policy must report its findings to the legislature by December 31, 2014."

Correct the title.

Representatives Dahlquist and Moscoso spoke in favor of the adoption of the amendment.

Amendment (775) 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 Moscoso spoke in favor of the passage of the bill.

Representative Overstreet spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2442.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2442, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Hawkins, Hayes, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Orwall, Parker, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Short, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Christian, Condotta, Harris, Holy, Overstreet, Pike, Scott, Shea, Smith, Taylor and Vick.

Excused: Representative Ortiz-Self.

ENGROSSED HOUSE BILL NO. 2442, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2436, by Representatives Hunter and Freeman

Creating the public employees' benefits board benefits account.

The bill was read the second time.

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

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

Representative Chandler spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2436.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2436, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1.

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Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Hansen, Hudgins, Hunter, Jinkins, Kagi, Kirby, Lytton, Moeller, Morrell, Morris, Moscoso, Ormsby, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Christian, Condotta, Dahlquist, DeBolt, Fagan, G. Hunt, Haler, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hurst, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, Muri, Nealey, Orcutt, Overstreet, Parker, Pike, Rodne, Ross, Schmick, Scott, Shea, Short, Smith, Taylor, Vick, Walsh, Warnick, Wilcox, Young and Zeiger.

Excused: Representative Ortiz-Self.

HOUSE BILL NO. 2436, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2196, by Representative Jinkins

Concerning the use of the judicial information system by courts before granting certain orders.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2196 was substituted for House Bill No. 2196 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2196 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 Jinkins and Rodne spoke in favor of the passage of the bill.

Representative Shea spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2196.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2196, and the bill passed the House by the following vote: Yeas, 75; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Clibborn, Cody, Dahlquist, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hayes, Hudgins, Hunter, Hurst, Jinkins, Kagi, Kirby, Klippert, Kochmar, Kristiansen, Lytton, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Orwall, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Warnick, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Christian, Condotta, Fagan, G. Hunt, Hawkins, Holy, Hope, Johnson, Kretz, MacEwen, Overstreet, Parker, Ross, Schmick, Scott, Shea, Short, Taylor, Vick, Wilcox and Young.

Excused: Representative Ortiz-Self.

SUBSTITUTE HOUSE BILL NO. 2196, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2197, by Representative Jinkins

Concerning objecting to relocation in child custody cases.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2197 was substituted for House Bill No. 2197 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2197 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 Jinkins and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2197.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2197, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Ortiz-Self.

SUBSTITUTE HOUSE BILL NO. 2197, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2231, by Representatives Appleton, Roberts and Santos

Clarifying legal financial obligation provisions.

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.

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Representatives Appleton and Goodman spoke in favor of the passage of the bill.

Representatives Klippert and Young spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2231.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2231, and the bill passed the House by the following vote: Yeas, 63; Nays, 34; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Dahlquist, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Hansen, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Kochmar, Lytton, Magendanz, Moeller, Morrell, Morris, Moscoso, Ormsby, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Christian, Condotta, DeBolt, Fagan, G. Hunt, Haler, Hargrove, Harris, Hawkins, Klippert, Kretz, Kristiansen, MacEwen, Manweller, Muri, Nealey, Orcutt, Overstreet, Parker, Pike, Schmick, Scott, Shea, Short, Smith, Taylor, Vick, Walsh, Warnick, Wilcox, Young and Zeiger.

Excused: Representative Ortiz-Self.

HOUSE BILL NO. 2231, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2371, by Representatives Vick, Kirby, Rodne, Blake and Hurst

Concerning the sale of beer by grocery store licensees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2371 was substituted for House Bill No. 2371 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2371 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 Vick and Hurst spoke in favor of the passage of the bill.

Representative Van De Wege spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2371.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2371, and the bill passed the House by the following vote: Yeas, 77; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Chandler, Clibborn, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, G. Hunt, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kirby, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morris, Moscoso, Muri, Ormsby, Overstreet, Parker, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Shea, Short, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Carlyle, Christian, Cody, Condotta, Freeman, Goodman, Harris, Hawkins, Kagi, Klippert, Morrell, Nealey, Orcutt, Orwall, Pike, S. Hunt, Scott, Smith, Tharinger and Van De Wege.

Excused: Representative Ortiz-Self.

SUBSTITUTE HOUSE BILL NO. 2371, having received the necessary constitutional majority, was declared passed.

ENGROSSED HOUSE BILL NO. 2789, by Representatives Taylor, Goodman, Shea, Morris, Smith, Walkinshaw, Overstreet, Condotta, Moscoso, Ryu, Short and Scott

Concerning technology-enhanced government surveillance.

The bill was read the second time.

Representative Morris moved the adoption of amendment (769).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that technological advances have provided new, unique equipment that may be utilized for surveillance purposes. These technological advances often outpace statutory protections and can lead to inconsistent or contradictory interpretations between jurisdictions. The legislature finds that regardless of application or size, the use of these extraordinary surveillance technologies, without public debate or clear legal authority, creates uncertainty for citizens and agencies throughout Washington state. The legislature finds that extraordinary surveillance technologies do present a substantial privacy risk potentially contrary to the strong privacy protections enshrined in Article I, section 7 of the Washington state Constitution that reads "No person shall be disturbed in his private affairs, or his home invaded, without authority of law." The legislature further finds that the lack of clear statutory authority for the use of surveillance technologies may increase liability to state and local jurisdictions. It is the intent of the legislature to provide clear standards for the lawful use of extraordinary surveillance technologies by state and local jurisdictions.

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

(1)(a) "Agency" means the state of Washington, its agencies, and political subdivisions.

(b) "Agency" also includes any entity or individual, whether public or private, with which any of the entities identified in (a) of this subsection has entered into a contractual relationship or any other

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type of relationship, with or without consideration, for the operation of an extraordinary sensing device that acquires, collects, or indexes personal information to accomplish an agency function.

(2) "Biometric identification system" is a system that collects unique physical and behavioral characteristics including, but not limited to, biographical data, facial photographs, fingerprints, and iris scans to identify individuals.

(3) "Court of competent jurisdiction" means any district court of the United States or any United States court of appeals that has jurisdiction over the offense being investigated or is located in a district in which surveillance with the assistance of the extraordinary sensing device will be conducted, or a court of general jurisdiction authorized by the state of Washington to issue search warrants.

(4) "Extraordinary sensing device" means an unmanned aircraft system.

(5) "Governing body" means the council, commission, board, or other controlling body of an agency in which legislative powers are vested, except that for a state agency for which there is no governing body other than the state legislature, "governing body" means the chief executive officer responsible for the governance of the agency.

(6) "Personal information" means all information that:

(a) Describes, locates, or indexes anything about a person including, but not limited to:

(i) His or her social security number, driver's license number, agency-issued identification number, student identification number, real or personal property holdings derived from tax returns, and the person's education, financial transactions, medical history, ancestry, religion, political ideology, or criminal or employment record; or

(ii) Intellectual property, trade secrets, proprietary information, or operational information;

(b) Affords a basis for inferring personal characteristics, such as finger and voice prints, photographs, or things done by or to such person; and the record of the person's presence, registration, or membership in an organization or activity, or admission to an institution; or

(c) Indexes anything about a person including, but not limited to, his or her activities, behaviors, pursuits, conduct, interests, movements, occupations, or associations.

(7)(a) "Sensing device" means a device capable of remotely acquiring personal information from its surroundings, using any frequency of the electromagnetic spectrum.

(b) "Sensing device" does not include equipment whose sole function is to provide information directly necessary for safe air navigation or operation of a vehicle.

(8) "Unmanned aircraft system" means an aircraft that is operated without the possibility of human intervention from within or on the aircraft, together with associated elements, including communication links and components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system.

NEW SECTION. **Sec. 3.** Except as otherwise specifically authorized in this subchapter, it is unlawful for an agency to operate an extraordinary sensing device or disclose personal information about any person acquired through the operation of an extraordinary sensing device.

NEW SECTION. **Sec. 4.** (1) Agency procurement and use of extraordinary sensing devices must be conducted in a transparent manner that is open to public scrutiny, as provided in this section.

(2) For a state agency having jurisdiction over criminal law enforcement including, but not limited to, the Washington state patrol, the agency may not procure an extraordinary sensing device for criminal law enforcement without the explicit approval of the legislature, given for that specific extraordinary sensing device to be used for a specific purpose.

(3) For a local agency having jurisdiction over criminal law enforcement, the agency may not procure an extraordinary sensing device without the explicit approval of the governing body of such locality, given for that specific extraordinary sensing device to be used for a specific purpose.

(4) For a state or local agency seeking to use an extraordinary sensing device for a purpose described in section 10(1) (b), (c), (d), or (e) of this act, the agency may not procure an extraordinary sensing device without first obtaining explicit approval from the agency's governing body.

(5) For an agency other than as described in subsections (2) through (4) of this section, the agency may not procure an extraordinary sensing device.

NEW SECTION. **Sec. 5.** The governing body for each agency must develop and make publicly available written policies and procedures for the use of any extraordinary sensing device procured, and provide notice and opportunity for public comment prior to adoption of the written policies and procedures.

NEW SECTION. **Sec. 6.** All operations of an extraordinary sensing device or disclosure of personal information about any person acquired through the operation of an extraordinary sensing device must be conducted in such a way as to minimize the collection and disclosure of personal information not authorized under this subchapter.

NEW SECTION. **Sec. 7.** (1) An extraordinary sensing device may be operated and personal information from such operation disclosed, if the operation and collection of personal information is pursuant to a search warrant issued by a court of competent jurisdiction as provided in this section, and the operation, collection, and disclosure are compliant with the provisions of this chapter.

(2) Each petition for a search warrant from a judicial officer to permit the use of an extraordinary sensing device and personal information collected from such operation must be made in writing, upon oath or affirmation, to a judicial officer in a court of competent jurisdiction for the geographic area in which an extraordinary sensing device is to be operated or where there is probable cause to believe the offense for which the extraordinary sensing device is sought has been committed, is being committed, or will be committed.

(3) The law enforcement officer shall submit an affidavit that includes:

(a) The identity of the applicant and the identity of the agency conducting the investigation;

(b) The identity of the individual and area for which use of the extraordinary sensing device is being sought;

(c) Specific and articulable facts demonstrating probable cause to believe that there has been, is, or will be criminal activity and that the operation of the extraordinary sensing device will uncover evidence of such activity or facts to support the finding that there is probable cause for issuance of a search warrant pursuant to applicable requirements; and

(d) A statement that other methods of data collection have been investigated and found to be either cost prohibitive or pose an unacceptable safety risk to a law enforcement officer or to the public.

(4) If the judicial officer finds, based on the affidavit submitted, there is probable cause to believe a crime has been committed, is being committed, or will be committed and there is probable cause to believe the personal information likely to be obtained from the use of the extraordinary sensing device will be evidence of the commission of such offense, the judicial officer may issue a search warrant authorizing the use of the extraordinary sensing device. The search warrant must authorize the collection of personal information contained in or obtained from the extraordinary sensing device, but must not authorize the use of a biometric identification system.

(5) Warrants may not be issued for a period greater than ten days. Extensions may be granted, but no longer than the authorizing judicial officer deems necessary to achieve the purposes for which it was granted and in no event for longer than thirty days.

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(6) Within ten days of the execution of a search warrant, the officer executing the warrant must serve a copy of the warrant upon the target of the warrant, except if notice is delayed pursuant to section 8 of this act.

NEW SECTION. **Sec. 8.** (1) A governmental entity acting under this section may, when a warrant is sought, include in the petition a request, which the court shall grant, for an order delaying the notification required under section 7(6) of this act for a period not to exceed ninety days if the court determines that there is a reason to believe that notification of the existence of the warrant may have an adverse result.

(2) An adverse result for the purposes of this section is:

(a) Placing the life or physical safety of an individual in danger;

(b) Causing a person to flee from prosecution;

(c) Causing the destruction of or tampering with evidence;

(d) Causing the intimidation of potential witnesses; or

(e) Jeopardizing an investigation or unduly delaying a trial.

(3) The governmental entity shall maintain a copy of certification.

(4) Extension of the delay of notification of up to ninety days each may be granted by the court upon application or by certification by a governmental entity.

(5) Upon expiration of the period of delay of notification under subsection (2) or (4) of this section, the governmental entity shall serve a copy of the warrant upon, or deliver it by registered or first-class mail to, the target of the warrant, together with notice that:

(a) States with reasonable specificity the nature of the law enforcement inquiry; and

(b) Informs the target of the warrant: (i) That notification was delayed; (ii) what governmental entity or court made the certification or determination pursuant to which that delay was made; and (iii) which provision of this section allowed such delay.

NEW SECTION. **Sec. 9.** (1) It is lawful under this section for any law enforcement officer or other public official to operate an extraordinary sensing device and disclose personal information from such operation if such officer reasonably determines that an emergency situation exists that involves criminal activity and presents immediate danger of death or serious physical injury to any person and:

(a) Requires operation of an extraordinary sensing device before a warrant authorizing such interception can, with due diligence, be obtained;

(b) There are grounds upon which such a warrant could be entered to authorize such operation; and

(c) An application for a warrant providing such operation is made within forty-eight hours after the operation has occurred or begins to occur.

(2) In the absence of a warrant, an operation of an extraordinary sensing device carried out under this section must immediately terminate when the personal information sought is obtained or when the application for the warrant is denied, whichever is earlier.

(3) In the event such application for approval is denied, the personal information obtained from the operation of a device must be treated as having been obtained in violation of this subchapter, except for purposes of section 15 of this act, and an inventory must be served on the person named in the application.

NEW SECTION. **Sec. 10.** (1) It is lawful under this section for a law enforcement officer, agency employee, or authorized agent to operate an extraordinary sensing device and disclose personal information from such operation if:

(a) An officer, employee, or agent reasonably determines that an emergency situation exists that:

(i) Does not involve criminal activity;

(ii) Presents immediate danger of death or serious physical injury to any person; and

(iii) Requires operation of an extraordinary sensing device to reduce the danger of death or serious physical injury;

(b) An officer, employee, or agent reasonably determines that the operation does not intend to collect personal information and is unlikely to accidentally collect personal information, and such operation is not for purposes of regulatory enforcement. Allowable purposes under this subsection (1)(b) are limited to:

(i) Monitoring to discover, locate, observe, and prevent forest fires;

(ii) Monitoring an environmental or weather-related catastrophe or damage from such an event;

(iii) Surveying for wildlife management, habitat preservation, or environmental damage; and

(iv) Surveying for the assessment and evaluation of environmental or weather-related damage, erosion, flood, or contamination;

(c) The operation is part of a training exercise conducted on a military base and the extraordinary sensing device does not collect personal information on persons located outside the military base;

(d) The operation is for training and testing purposes by an agency and does not collect personal information; or

(e) The operation is part of the response to an emergency or disaster for which the governor has proclaimed a state of emergency under RCW 43.06.010(12).

(2) Upon completion of the operation of an extraordinary sensing device pursuant to this section, any personal information obtained must be treated as information collected on an individual other than a target for purposes of section 14 of this act.

NEW SECTION. **Sec. 11.** An unmanned aircraft system may not be utilized for the purposes of investigation or enforcement of regulatory violations or noncompliance until the legislature has adopted legislation specifically permitting such use.

NEW SECTION. **Sec. 12.** Operation of an extraordinary sensing device by an agency is prohibited unless the agency has affixed a unique identifier registration number assigned by the agency, and designed as far as practical to be viewable by the public while the device is in use.

NEW SECTION. **Sec. 13.** Whenever any personal information from an extraordinary sensing device has been acquired, no part of such personal information and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the state or a political subdivision thereof if the collection or disclosure of that personal information would be in violation of this subchapter.

NEW SECTION. **Sec. 14.** Personal information collected during the operation of an extraordinary sensing device authorized by and consistent with this subchapter may not be used, copied, or disclosed for any purpose after conclusion of the operation, unless there is probable cause that the personal information is evidence of criminal activity. Personal information must be deleted as soon as possible after there is no longer probable cause that the personal information is evidence of criminal activity; this must be within thirty days if the personal information was collected on the target of a warrant authorizing the operation of the extraordinary sensing device, and within ten days for other personal information collected incidentally to the operation of an extraordinary sensing device otherwise authorized by and consistent with this subchapter. There is a presumption that personal information is not evidence of criminal activity if that personal information is not used in a criminal prosecution within one year of collection.

NEW SECTION. **Sec. 15.** Any person who knowingly violates this subchapter is subject to legal action for damages, to be brought by any other person claiming that a violation of this subchapter has injured his or her business, his or her person, or his or her reputation. A person so injured is entitled to actual damages or liquidated damages, computed at the rate of one dollar per day for each day of

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violation. In addition, the individual is entitled to reasonable attorneys' fees and other costs of litigation.

NEW SECTION. **Sec. 16.** Any use of an extraordinary sensing device must fully comply with all federal aviation administration requirements and guidelines. Compliance with the terms of this subchapter is mandatory and supplemental to compliance with federal aviation administration requirements and guidelines.

NEW SECTION. **Sec. 17.** (1) For a state agency having jurisdiction over criminal law enforcement including, but not limited to, the Washington state patrol, the agency must maintain records of each use of an extraordinary sensing device and, for any calendar year in which an agency has used an extraordinary sensing device, prepare an annual report including, at a minimum, the following:

(a) The number of uses of an extraordinary sensing device organized by types of incidents and types of justification for use;

(b) The number of crime investigations aided by the use and how the use was helpful to the investigation;

(c) The number of uses of an extraordinary sensing [illegible] reasons other than criminal investigations and how the [illegible] helpful;

(d) The frequency and type of data collected for individuals or areas other than targets;

(e) The total cost of the extraordinary sensing device;

(f) The dates when personal information and other data was deleted or destroyed in compliance with the act;

(g) The number of warrants requested, issued, and extended; and

(h) Additional information and analysis the governing body deems useful.

(2) For a state agency other than that in subsection (1) of this section, the agency must maintain records of each use of an extraordinary sensing device and, for any calendar year in which an agency has used an extraordinary sensing device, prepare an annual report including, at a minimum, the following:

(a) The types of extraordinary sensing devices used, the purposes for which each type of extraordinary sensing device was used, the circumstances under which use was authorized, and the name of the officer or official who authorized the use;

(b) Whether deployment of the device was imperceptible to the public;

(c) The specific kinds of personal information that the extraordinary sensing device collected about individuals;

(d) The length of time for which any personal information collected by the extraordinary sensing device was retained;

(e) The specific steps taken to mitigate the impact on an individual's privacy, including protections against unauthorized use and disclosure and a data minimization protocol; and

(f) An individual point of contact for citizen complaints and concerns.

(3) For a local agency having jurisdiction over criminal law enforcement or regulatory violations, the agency must maintain records of each use of an extraordinary sensing device including, at a minimum, the following:

(a) The number of uses of an extraordinary sensing device organized by types of incidents and types of justification for use;

(b) The number of investigations aided by the use and how the use was helpful to the investigation;

(c) The number of uses of an extraordinary sensing device for reasons other than criminal investigations and how the use was helpful;

(d) The frequency and type of data collected for individuals or areas other than targets;

(e) The total cost of the extraordinary sensing device;

(f) The dates when personal information and other data was deleted or destroyed in compliance with the act;

(g) The number of warrants requested, issued, and extended; and

(h) Additional information and analysis the governing body deems useful.

(4) The annual reports required pursuant to subsections (1) and (2) of this section must be filed electronically to the office of financial management, who must compile the results and submit them electronically to the relevant committees of the legislature by September 1st of each year, beginning in 2015.

NEW SECTION. **Sec. 18.** Sections 2 through 17 of this act are each added to chapter 9.73 RCW and codified with the subchapter heading of "extraordinary sensing devices."

NEW SECTION. **Sec. 19.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representative Morris moved the adoption of amendment (779) to the striking amendment (769).

On page 6, line 28 of the striking amendment, after "providing" insert "for"

Representatives Morris and Taylor spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (779) to the striking amendment (769) was adopted.

Representative Morris and Taylor spoke in favor of the adoption of the amendment (779) as amended.

Amendment (769) was adopted as amended.

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 Taylor, Goodman, Smith and Morris spoke in favor of the passage of the bill.

Representatives Klippert, Hurst and Hansen spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2789.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2789, and the bill passed the House by the following vote: Yeas, 83; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Representatives Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Condotta, Dahlquist, DeBolt, Fagan, Farrell, Fey, Freeman, G. Hunt, Goodman, Gregerson, Habib, Haler, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Johnson, Kagi, Kirby, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pike,

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Pollet, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Appleton, Bergquist, Cody, Dunshee, Fitzgibbon, Green, Haigh, Hansen, Hunter, Hurst, Jinkins, Klippert, Morrell, Pettigrew and Reykdal.

ENGROSSED HOUSE BILL NO. 2789, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2178, by Representatives Morris and Morrell

Concerning unmanned aircraft.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2178 was substituted for House Bill No. 2178 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2178 was read the second time.

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

Representatives Morris and Smith spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2178.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2178, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Cody, Hurst, Klippert, Magendanz, Pettigrew and Sullivan.

SUBSTITUTE HOUSE BILL NO. 2178, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2493, by Representatives Wilcox, Tharinger, Buys, Lytton, Vick, Orcutt, Reykdal, Springer and Haigh

Concerning current use valuation for land primarily used for commercial horticultural purposes.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2493 was substituted for House Bill No. 2493 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2493 was read the second time.

Representative Wilcox moved the adoption of amendment (764).

On page 5, beginning on line 3, after "subsection." strike all material through "thousand" on line 8 and insert "Any parcel that is less than five acres and used primarily to grow plants in containers does not qualify as "farm and agricultural land" if more than twenty-five percent of the parcel is open to the general public for on-site retail sales"

Representatives Wilcox and Carlyle spoke in favor of the adoption of the amendment.

Amendment (764) 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 Wilcox and Carlyle spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2493.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2493, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

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ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2493, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Orwall to preside.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

HOUSE BILL NO. 2698, by Representatives Freeman, Overstreet, Smith and Tharinger

Expanding the products considered to be potentially nonhazardous as they apply to cottage food operations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2698 was substituted for House Bill No. 2698 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2698 was read the second time.

With the consent of the house, amendment (713) was withdrawn.

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

Representatives Freeman and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2698.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2698, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2698, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2208, by Representatives Haigh and Buys

Concerning heavy civil construction projects.

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2208.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2208, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2208, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2454, by Representatives Blake, Buys, Lytton and Smith

Developing a water quality trading program in Washington.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2454 was substituted for House Bill No. 2454 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2454 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 Blake and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2454.

ROLL CALL

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The Clerk called the roll on the final passage of Substitute House Bill No. 2454, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, Overstreet, Scott, Shea and Taylor.

SUBSTITUTE HOUSE BILL NO. 2454, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2251, by Representatives Wilcox, Blake, Orcutt and Clibborn

Concerning fish barrier removals.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2251 was substituted for House Bill No. 2251 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2251 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 Wilcox, Blake, Wilcox (again) spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2251.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2251, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dahlquist, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 2251, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2414, by Representatives Fitzgibbon, Farrell, Senn, Ryu and Pollet

Concerning water conservation appliances.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2414 was substituted for House Bill No. 2414 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2414 was read the second time.

Representative Fitzgibbon moved the adoption of amendment (749).

On page 2, line 18, after "building" strike "code, state" and insert "and"

On page 2, line 19, after "plumbing" strike "code, and the international green construction code adopt" and insert "codes have adopted"

Representatives Fitzgibbon and Short spoke in favor of the adoption of the amendment.

Amendment (749) was adopted.

With the consent of the house, amendment (734) was 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.

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

Representative Short spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2414.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2414, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hudgins, Hunter, Hurst, Jinkins, Kagi, Kirby, Lytton, Moeller, Morrell, Morris, Moscoso, Nealey, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Springer,

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Stanford, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Christian, Condotta, Dahlquist, DeBolt, Fagan, G. Hunt, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, Muri, Orcutt, Overstreet, Parker, Pike, Rodne, Ross, Schmick, Scott, Shea, Short, Smith, Stonier, Taylor, Vick, Warnick, Wilcox, Young and Zeiger.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2414, having received the necessary constitutional majority, was declared passed.

ENGROSSED HOUSE BILL NO. 2733, by Representatives Haler and Magendanz

Designating certain hydroelectric generation from a generation facility located in irrigation canals and certain pipes as an eligible renewable resource under chapter 19.285 RCW.

The bill was read the second time.

Representative Haler moved the adoption of amendment (723).

On page 3, line 6, after "for" strike "domestic" and insert "municipal"

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

Amendment (723) 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 Haler and Morris spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Harris, Representative Dahlquist was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2733.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2733, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, DeBolt, Fagan, Farrell, Fey, Freeman, G. Hunt, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Shea, Short, Smith, Springer, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dunshee, Fitzgibbon, Goodman, Jinkins, Morrell, Reykdal, Senn and Stanford.

Excused: Representative Dahlquist.

ENGROSSED HOUSE BILL NO. 2733, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2225, by Representatives Manweller, Senn, Magendanz, Fey, Tharinger, Fitzgibbon and Roberts

Concerning the Milwaukee Road corridor.

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 Manweller and Fitzgibbon spoke in favor of the passage of the bill.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2225, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Dahlquist.

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

HOUSE BILL NO. 2386, by Representatives Van De Wege, Appleton, Hayes, Moscoso, Pettigrew, S. Hunt, Takko, Zeiger, Muri, Tharinger, Ryu and Freeman

Designating Washington's shoreline as a state maritime heritage area.

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.

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Representative Van De Wege spoke in favor of the passage of the bill.

Representative Short spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2386.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2386, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Carlyle, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Hansen, Hudgins, Hunter, Hurst, Jinkins, Kagi, Kirby, Kochmar, Lytton, Moeller, Morrell, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Blake, Buys, Chandler, Christian, Condotta, DeBolt, Fagan, G. Hunt, Haler, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Johnson, Klippert, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, Nealey, Orcutt, Overstreet, Parker, Pike, Rodne, Ross, Schmick, Scott, Shea, Short, Smith, Takko, Taylor, Vick, Warnick, Wilcox and Young.

Excused: Representative Dahlquist.

HOUSE BILL NO. 2386, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2457, by Representatives Hansen, Smith, Fagan, Springer, Rodne, Reykdal, Magendanz, Fitzgibbon, Vick, Lytton, Wilcox, Pollet, Tharinger, Ryu, Van De Wege, Buys and Hayes

Concerning derelict and abandoned vessels.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2457 was substituted for House Bill No. 2457 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2457 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 Hansen and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2457.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2457, and the bill passed the House by the following vote: Yeas, 88; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, DeBolt, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Christian, Condotta, Hargrove, Klippert, Overstreet, Pike, Scott, Shea and Taylor.

Excused: Representative Dahlquist.

SECOND SUBSTITUTE HOUSE BILL NO. 2457, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2624, by Representatives Haler, Tarleton, Klippert and Freeman

Clarifying the applicability of child abduction statutes to residential provisions ordered by a court.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2624 was substituted for House Bill No. 2624 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2624 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 Haler, Jinkins and Rodne spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Harris, Representative DeBolt was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2624.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2624, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen,

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Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives Dahlquist and DeBolt.

SUBSTITUTE HOUSE BILL NO. 2624, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2363, by Representatives Muri, Seaquist, Zeiger, Morrell, Freeman, Christian, Kochmar, Dahlquist and Appleton

Concerning home and community-based services programs for dependents of military service members.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2363 was substituted for House Bill No. 2363 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2363 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 Muri, Bergquist and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2363.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2363, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives Dahlquist and DeBolt.

SUBSTITUTE HOUSE BILL NO. 2363, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Wilcox congratulated Representative Muri on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

HOUSE BILL NO. 2527, by Representatives Ormsby, Appleton, Moscoso, Sells, Stanford, Bergquist, Reykdal, S. Hunt, Roberts, Cody, Fey, Freeman, Riccelli and Pollet

Establishing the prevailing rate of wage based on collective bargaining agreements or other methods if collective bargaining agreements are not available.

The bill was read the second time.

Representative Manweller moved the adoption of amendment (772).

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 39.12.015 and 1965 ex.s. c 133 s 2 are each amended to read as follows:

(1) All determinations of the prevailing rate of wage shall be made by the industrial statistician of the department of labor and industries.

(2) Beginning on the effective date of this section and for five years after, the industrial statistician shall establish the prevailing rate of wage by adopting the hourly wage established in collective bargaining agreements for those trades and occupations that have collective bargaining agreements. If there are multiple collective bargaining agreements in a particular locality, the statistician shall use the average hourly wage of the collective bargaining agreements to establish the prevailing rate of wage. For trades and occupations in which there are no collective bargaining agreements, the industrial statistician shall establish the prevailing rate of wage by conducting wage and hour surveys. In instances when there are no collective bargaining agreements and conducting wage and hour surveys is not feasible, the industrial statistician may employ other appropriate methods to establish the prevailing rate of wage. After the fifth year of establishing the prevailing rate of wage under this subsection (2), the prevailing rate of wage shall be established using wage surveys as provided by rule."

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

Representative Sells spoke against the adoption of the amendment.

Amendment (772) 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.

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

Representative Manweller spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2527.

draft

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2527, and the bill passed the House by the following vote: Yeas, 59; Nays, 37; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Hansen, Hudgins, Hunter, Hurst, Jinkins, Kagi, Kirby, Kochmar, Lytton, Moeller, Morrell, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Christian, Condotta, Fagan, G. Hunt, Haler, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Johnson, Klippert, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, Nealey, Orcutt, Overstreet, Parker, Pike, Rodne, Ross, Schmick, Scott, Shea, Short, Smith, Taylor, Vick, Walsh, Warnick, Wilcox and Young.

Excused: Representatives Dahlquist and DeBolt.

HOUSE BILL NO. 2527, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2146, by Representative Condotta

Concerning department of labor and industries appeal bonds.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2146 was substituted for House Bill No. 2146 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2146 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 Condotta and Sells spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2146.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2146, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives Dahlquist and DeBolt.

SUBSTITUTE HOUSE BILL NO. 2146, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2482, by Representatives Klippert and Clibborn

Creating a fee exemption for the disclosure of vehicle owner information.

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 Klippert and Clibborn spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2482.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2482, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives Dahlquist and DeBolt.

HOUSE BILL NO. 2482, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 2463, by House Committee on Transportation (originally sponsored by Representatives S. Hunt, Johnson, Reykdal, Pike, Clibborn, Orcutt and Freeman)

Concerning special parking privileges for persons with disabilities.

The bill was read the second time.

Representative S. Hunt moved the adoption of amendment (781).

draft

On page 7, beginning on line 10, after "(5)" strike all material through "~~posted.~~))" on line 14 and insert "**Time Restrictions.** A local jurisdiction may impose by ordinance time restrictions of no less than four hours on the use of nonreserved, on-street parking spaces by vehicles displaying the special parking placards or special license plates issued under this chapter. All time restrictions must be clearly posted.

(6)"

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

On page 9, line 30, after "permitted" insert ", except zones in which parking is limited pursuant to RCW 46.19.050(5)"

Representative S. Hunt spoke in favor of the adoption of the amendment.

Amendment (781) was adopted.

The bill was ordered engrossed.

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

Representatives S. Hunt and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2463.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2463, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Condotta, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Hurst.

Excused: Representatives Dahlquist and DeBolt.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2463, having received the necessary constitutional majority, was declared passed.

ENGROSSED HOUSE BILL NO. 2447, by Representatives Kirby, Kretz, Sawyer, Ormsby, Riccelli, Short, Ryu, Magendanz and Freeman

Concerning a property tax exemption for qualified nonprofit small business incubators that assist in the creation and expansion of innovative small commercial enterprises.

The bill was read the second time.

Representative Kirby moved the adoption of amendment (773).

On page 2, line 20, after "state" insert "or local"

On page 3, line 4, after "must" insert "annually"

On page 3, beginning on line 9, strike all of subsection (c) and insert the following:

"(c) Specific details for the businesses served, including but not limited to: The name of the business, the unified business identifier of the business, the type of business identified by the North American industry classification system, and detailed information about the business required under subsection (5)(b)(i) and (c)(i) of this section; and"

On page 3, line 22, after "section." insert "It is presumed that a small business incubator is meeting the requirements of subsection (1)(b) of this section if the incubator files the annual reports required under subsection (3) of this section and the small start-up and emerging businesses served by the incubator meet the requirements under subsection (5)(b)(ii) and (c)(ii) of this section."

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

Amendment (773) 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 Kirby and Nealey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2447.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2447, and the bill passed the House by the following vote: Yeas, 73; Nays, 23; Absent, 0; Excused, 2.

Voting yea: Representatives Bergquist, Blake, Chandler, Christian, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hayes, Hope, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Lytton, MacEwen, Magendanz, Manweller, Moeller, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Pettigrew, Riccelli, Robinson, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Appleton, Buys, Carlyle, Condotta, Fagan, Hawkins, Holy, Hunter, Kristiansen, Morrell, Morris, Overstreet, Pike, Pollet, Reykdal, Roberts, Rodne, Scott, Shea, Tarleton, Taylor, Tharinger and Young.

Excused: Representatives Dahlquist and DeBolt.

ENGROSSED HOUSE BILL NO. 2447, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Draft

I intended to vote NAY on Engrossed House Bill No. 2447.

Representative Parker, 6 District

SECOND READING

HOUSE BILL NO. 2229, by Representatives Morris, Smith, Appleton, Haler, Moscoso, Tarleton, Roberts, Ryu, Habib and Bergquist

Concerning long-term funding for a state tourism marketing program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2229 was substituted for House Bill No. 2229 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2229 was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2229.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2229, and the bill passed the House by the following vote: Yeas, 88; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Chandler, Clibborn, Cody, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Christian, Condotta, Overstreet, Pike, Scott, Shea and Taylor.

Excused: Representatives Dahlquist and DeBolt.

SUBSTITUTE HOUSE BILL NO. 2229, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2426, by Representatives Fey, Farrell, Jinkins and Pollet

Authorizing local authorities to continue operating automated traffic safety cameras to detect speed violations outside of school speed zones after participating in a pilot program for at least three consecutive years.

The bill was read the second time.

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

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2426.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2426, and the bill passed the House by the following vote: Yeas, 51; Nays, 45; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Carlyle, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Green, Gregerson, Habib, Haler, Hansen, Hayes, Hudgins, Hunter, Jinkins, Kagi, Klippert, Kochmar, Lytton, Moeller, Morrell, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Ryu, S. Hunt, Santos, Seaquist, Sells, Senn, Smith, Springer, Stanford, Sullivan, Takko, Tarleton, Walkinshaw, Warnick, Wylie and Mr. Speaker.

Voting nay: Representatives Blake, Buys, Chandler, Christian, Condotta, Fagan, G. Hunt, Goodman, Haigh, Hargrove, Harris, Hawkins, Holy, Hope, Hurst, Johnson, Kirby, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, Morris, Nealey, Orcutt, Overstreet, Parker, Pike, Robinson, Rodne, Ross, Sawyer, Schmick, Scott, Shea, Short, Stonier, Taylor, Tharinger, Van De Wege, Vick, Walsh, Wilcox, Young and Zeiger.

Excused: Representatives Dahlquist and DeBolt.

HOUSE BILL NO. 2426, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2524, by Representatives Kirby, Vick, Ryu, Chandler, Blake, Santos, Stanford, Zeiger, Hurst, Fagan, Takko, Habib, Harris, Sullivan, Kretz, MacEwen, Wylie, Moeller, Morrell, Haigh, Freeman, Springer and Stonier

Concerning manufacturer and new motor vehicle dealer franchise agreements.

The bill was read the second time.

There being no objection, Engrossed Substitute House Bill No. 2524 was substituted for House Bill No. 2524 and the substitute bill was placed on the second reading calendar.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2524 was read the second time.

With the consent of the house, amendments (664), (665) and (745) were withdrawn.

Representative Kirby moved the adoption of amendment (788).

Strike everything after the enacting clause and insert the following:

Draft

"**Sec. 1.** RCW 46.70.045 and 1997 c 432 s 2 are each amended to read as follows:

The director may deny a license under this chapter when the application is a subterfuge that conceals the real person in interest whose license has been denied, suspended, or revoked for cause under this chapter and the terms have not been fulfilled or a civil penalty has not been paid, ((~~or~~)) the director finds that the application was not filed in good faith, or the issuance of a new license or subagency would cause a manufacturer, distributor, factory branch, or factory representative, or an agent, officer, parent company, wholly or partially owned subsidiary, affiliated entity, or other person controlled by or under common control with a manufacturer, distributor, factory branch, or factory representative, to be in violation of chapter 46.96 RCW. This section does not preclude the department from taking an action against a current licensee.

Sec. 2. RCW 46.96.020 and 2003 c 21 s 1 are each amended to read as follows:

In addition to the definitions contained in RCW 46.70.011, which are incorporated by reference into this chapter, the definitions set forth in this section apply only for the purposes of this chapter.

(1) A "new motor vehicle" is a vehicle that has not been titled by a state and ownership of which may be transferred on a manufacturer's statement of origin (MSO).

(2) "New motor vehicle dealer" means a motor vehicle dealer engaged in the business of buying, selling, exchanging, or otherwise dealing in new motor vehicles or new and used motor vehicles at an established place of business, under a franchise, sales and service agreement, or contract with the manufacturer of the new motor vehicles. However, ((~~the term~~)) "new motor vehicle dealer" does not include a miscellaneous vehicle dealer as defined in RCW 46.70.011((~~(3)~~)) (17)(c) or a motorcycle dealer as defined in chapter 46.94 RCW.

(3) "Franchise" means one or more agreements, whether oral or written, between a manufacturer and a new motor vehicle dealer, under which the new motor vehicle dealer is authorized to sell, service, and repair new motor vehicles, parts, and accessories under a common name, trade name, trademark, or service mark of the manufacturer.

"Franchise" includes an oral or written contract and includes a dealer agreement, either expressed or implied, between a manufacturer and a new motor vehicle dealer that purports to fix the legal rights and liabilities between the parties and under which (a) the dealer is granted the right to purchase and resell motor vehicles manufactured, distributed, or imported by the manufacturer; (b) the dealer's business is associated with the trademark, trade name, commercial symbol, or advertisement designating the franchisor or the products distributed by the manufacturer; and (c) the dealer's business relies on the manufacturer for a continued supply of motor vehicles, parts, and accessories.

(4) "Good faith" means honesty in fact and fair dealing in the trade as defined and interpreted in RCW 62A.2-103.

(5) "Designated successor" means:

(a) The spouse, biological or adopted child, stepchild, grandchild, parent, brother, or sister of the owner of a new motor vehicle dealership who, in the case of the owner's death, is entitled to inherit the ownership interest in the new motor vehicle dealership under the terms of the owner's will or similar document, and if there is no such will or similar document, then under applicable intestate laws;

(b) A qualified person experienced in the business of a new motor vehicle dealer who has been nominated by the owner of a new motor vehicle dealership as the successor in a written, notarized, and witnessed instrument submitted to the manufacturer; or

(c) In the case of an incapacitated owner of a new motor vehicle dealership, the person who has been appointed by a court as the legal representative of the incapacitated owner's property.

(6) "Owner" means a person holding an ownership interest in the business entity operating as a new motor vehicle dealer and who is the designated dealer in the new motor vehicle franchise agreement.

(7) "Person" means every natural person, partnership, corporation, association, trust, estate, or any other legal entity.

(8) "Completed vehicle" means a vehicle that requires no further manufacturing operations to perform its intended function.

(9) "Dealer management computer system" means a computer hardware and software system that is owned or leased by a new motor vehicle dealer, including the dealer's use of internet applications, software, or hardware, whether located at an existing dealership facility or provided at a remote location, that provides access to customer records and transactions by a motor vehicle dealer located in this state, and that allows the new motor vehicle dealer timely information in order to sell vehicles, parts, or services through the existing dealership facility.

(10) "Dealer management computer system vendor" means a seller or reseller of dealer management computer systems, to the extent that the seller or reseller is engaged in such activities.

(11) "Final-stage manufacturer" means a person who purchases an incomplete vehicle from a licensed motor vehicle dealer and performs such manufacturing operations that the incomplete vehicle becomes a completed vehicle.

(12) "Incomplete vehicle" means an assemblage consisting of, at a minimum, chassis (including the frame) structure, power train, steering system, suspension system, and braking system, in the state that those systems are to be part of the completed vehicle, but requires further manufacturing operations to become a completed vehicle.

(13) "Security breach" means an incident of unauthorized access to and acquisition of records or data containing new motor vehicle dealer or dealer customer information where unauthorized use of the dealer's customer or dealer information has occurred or is reasonably likely to occur or that creates a material risk of harm to the dealer or dealer's customer. Any incident of unauthorized access to and acquisition of records or data containing dealer or dealer customer information, or any incident of disclosure of dealer customer information to one or more third parties that has not been specifically authorized by the dealer or dealer's customer, constitutes a security breach.

Sec. 3. RCW 46.96.060 and 1989 c 415 s 6 are each amended to read as follows:

(1) Notwithstanding the terms of a franchise or the terms of a waiver, and except as otherwise provided in RCW 46.96.070(2) (a) through (d), good cause exists for termination, cancellation, or nonrenewal when there is a failure by the new motor vehicle dealer to comply with a provision of the franchise that is both reasonable and of material significance to the franchise relationship, if the new motor vehicle dealer was notified of the failure within one hundred eighty days after the manufacturer first acquired knowledge of the failure and the new motor vehicle dealer did not correct the failure after being requested to do so.

If, however, the failure of the new motor vehicle dealer relates to the performance of the new motor vehicle dealer in sales, service, or level of customer satisfaction, good cause is the failure of the new motor vehicle dealer to comply with reasonable performance standards determined by the manufacturer in accordance with uniformly applied criteria, and:

(a) The new motor vehicle dealer was advised, in writing, by the manufacturer of the failure;

(b) The notice under this subsection stated that notice was provided of a failure of performance under this section;

(c) The manufacturer provided the new motor vehicle dealer with specific, reasonable goals or reasonable performance standards with which the dealer must comply, together with a suggested timetable or program for attaining those goals or standards, and the new motor vehicle dealer was given a reasonable opportunity, for a period not

less than one hundred eighty days, to comply with the goals or standards; and

(d) The new motor vehicle dealer did not substantially comply with the manufacturer's performance standards during that period and the failure to demonstrate substantial compliance was not due to market or economic factors within the new motor vehicle dealer's relevant market area that were beyond the control of the dealer .

(2) If the new motor vehicle dealer claims insufficient allocation, a manufacturer does not have good cause for termination, cancellation, or nonrenewal, unless:

(a) The manufacturer or distributor allocated sufficient inventory in the new motor vehicle dealer's primary allocation, both in quantity and product mix, for the dealers' assigned market area. The inventory must have been delivered in a manner that allowed the dealer to reasonably meet the manufacturer's performance standards; and

(b) The manufacturer provides to the new motor vehicle dealer, upon the dealers' request, documentation sufficient to develop a market analysis. This documentation must include, but is not limited to, the allocation of inventory to the dealer and other dealers in the same zone during the period established by the manufacturer, and must not be shared by the dealer with any party not involved in preparing a market analysis or otherwise engaged in the termination proceeding.

(3) The manufacturer has the burden of proof of establishing good cause and good faith for the termination, cancellation, or nonrenewal of the franchise under this section.

Sec. 4. RCW 46.96.080 and 2009 c 12 s 1 are each amended to read as follows:

(1) Upon the termination, cancellation, or nonrenewal of a franchise, the manufacturer shall pay the new motor vehicle dealer, at a minimum:

(a) Dealer cost plus any charges by the manufacturer for distribution, delivery, and taxes, less all allowances paid or credited to the dealer by the manufacturer, of unused, undamaged, and unsold new motor vehicles in the new motor vehicle dealer's inventory that were acquired from the manufacturer or another new motor vehicle dealer of the same line make in the ordinary course of business within the previous twelve months;

(b) Dealer cost for all unused, undamaged, and unsold supplies, parts, and accessories in original packaging, except that in the case of sheet metal, a comparable substitute for original packaging may be used, if the supply, part, or accessory was acquired from the manufacturer or from another new motor vehicle dealer ceasing operations as a part of the new motor vehicle dealer's initial inventory as long as the supplies, parts, and accessories appear in the manufacturer's current parts catalog, list, or current offering;

(c) Dealer cost for all unused, undamaged, and unsold inventory, whether vehicles, parts, or accessories, the purchase of which was required by the manufacturer;

(d) The fair market value of each undamaged sign owned by the new motor vehicle dealer that bears a common name, trade name, or trademark of the manufacturer, if acquisition of the sign was recommended or required by the manufacturer and the sign is in good and usable condition less reasonable wear and tear, and has not been depreciated by the dealer more than fifty percent of the value of the sign;

(e) The fair market value of all equipment, furnishings, and special tools owned or leased by the new motor vehicle dealer that were acquired from the manufacturer or sources approved by the manufacturer and that were recommended or required by the manufacturer and are in good and usable condition, less reasonable wear and tear. However, if the equipment, furnishings, or tools are leased by the new motor vehicle dealer, the manufacturer shall pay the new motor vehicle dealer such amounts that are required by the lessor to terminate the lease under the terms of the lease agreement; and

(f) The cost of transporting, handling, packing, and loading of new motor vehicles, supplies, parts, accessories, signs, special tools, equipment, and furnishings purchased from the manufacturer or manufacturer-approved vendor.

To the extent the franchise agreement provides for payment or reimbursement to the new motor vehicle dealer in excess of that specified in this section, the provisions of the franchise agreement shall control.

(2)(a) For the nonrenewal or termination of a franchise that is implemented as a result of the sale of assets or stock of the motor vehicle dealer, the party purchasing the assets or stock of the motor vehicle dealer may negotiate for the purchase or other transfer of some or all unused, undamaged, and unsold new motor vehicles in the selling new motor vehicle dealer's inventory that were acquired from the manufacturer or another new motor vehicle dealer of the same line make in the ordinary course of business within the previous twelve months.

(b) For the nonrenewal or termination of a franchise that is implemented as a result of the sale of assets or stock of the motor vehicle dealer, this section does not prohibit a manufacturer from negotiating with the purchasing party for the purchase or other transfer of some or all unused, undamaged, and unsold new motor vehicles in the selling new motor vehicle dealer's inventory that were acquired from the manufacturer or another new motor vehicle dealer of the same line make in the ordinary course of business within the previous twelve months.

(c) A manufacturer's obligation under (a) of this subsection extends only to vehicles not purchased or otherwise transferred to the party purchasing the assets or stock of the motor vehicle dealer.

(3) The manufacturer shall pay the new motor vehicle dealer the sums specified in subsection (1) of this section (a) within ninety days after the termination, cancellation, or nonrenewal of the franchise, if the new motor vehicle dealer has clear title to the property or can provide clear title to the property upon payment by the manufacturer and is in a position to convey that title to the manufacturer, or (b) on the date of delivery of the assets to the manufacturer, whichever is earlier.

(4) In the case of motor homes, this section applies only to manufacturer-initiated termination, cancellation, or nonrenewal of a franchise.

Sec. 5. RCW 46.96.090 and 2010 c 178 s 3 are each amended to read as follows:

(1) In the event of a termination, cancellation, or nonrenewal under this chapter, except for termination, cancellation, or nonrenewal under RCW 46.96.070(2) or a voluntary termination, cancellation, or nonrenewal initiated by the dealer, the manufacturer shall, at the request and option of the new motor vehicle dealer, also pay to the new motor vehicle dealer the dealer costs for any relocation, substantial alteration, or remodeling of a dealer's facilities required by a manufacturer for the granting of a franchise or the continuance or renewal of a franchise agreement completed within three years of the termination, cancellation, or nonrenewal and:

(a) A sum equivalent to rent for the unexpired term of the lease or one year, whichever is less, or such longer term as provided in the franchise, if the new motor vehicle dealer is leasing the new motor vehicle dealership facilities from a lessor other than the manufacturer; or

(b) A sum equivalent to the reasonable rental value of the new motor vehicle dealership facilities for one year or until the facilities are leased or sold, whichever is less, if the new motor vehicle dealer owns the new motor vehicle dealership facilities.

(2) The rental payment required under subsection (1) of this section is only required to the extent that the facilities were used for activities under the franchise and only to the extent the facilities were not leased for unrelated purposes. If the rental payment under subsection (1) of this section is made, the manufacturer is entitled to

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possession and use of the new motor vehicle dealership facilities for the period rent is paid.

Sec. 6. RCW 46.96.105 and 2010 c 178 s 4 are each amended to read as follows:

(1) Each manufacturer shall specify in its franchise agreement, or in a separate written agreement, with each of its dealers licensed in this state, the dealer's obligation to perform warranty work or service on the manufacturer's products. Each manufacturer shall provide each of its dealers with a schedule of compensation to be paid to the dealer for any warranty work or service, including parts, labor, and diagnostic work, required of the dealer by the manufacturer in connection with the manufacturer's products. The schedule of compensation must not be less than the rates charged by the dealer for similar service to retail customers for nonwarranty service and repairs, and must not be less than the schedule of compensation for an existing dealer as of June 10, 2010.

(a) The rates charged by the dealer for nonwarranty service or work for parts means the price paid by the dealer for those parts, including all shipping and other charges, increased by the franchisee's average percentage markup. A dealer must establish and declare the dealer's average percentage markup by submitting to the manufacturer one hundred sequential customer-paid service repair orders or ninety days of customer-paid service repair orders, whichever is less, covering repairs made no more than one hundred eighty days before the submission. A change in a dealer's established average percentage markup takes effect thirty days following the submission. A manufacturer may not require a dealer to establish average percentage markup by another methodology. A manufacturer may not require information that the dealer believes is unduly burdensome or time consuming to provide, including, but not limited to, part-by-part or transaction-by-transaction calculations. In calculating the retail rate customarily charged by the dealer for parts and labor, the following work must not be included in the calculation:

(i) Repairs for manufacturer or distributor special events, specials, or promotional discounts for retail customer repairs;

(ii) Parts sold at wholesale or at reduced or specially negotiated rates for insurance repairs;

(iii) Routine maintenance not covered under warranty, such as fluids, filters, and belts not provided in the course of repairs;

(iv) Nuts, bolts, fasteners, and similar items that do not have an individual part number;

(v) Tires;

(vi) Batteries and light bulbs; and

(vii) Vehicle reconditioning.

(b) A manufacturer shall compensate a dealer for labor and diagnostic work at the rates charged by the dealer to its retail customers for such work and for any documentation work required by the manufacturer to authorize or verify the work including, but not limited to, photographs, paperwork, and electronic data entry. However, a manufacturer is not required to compensate a dealer more than once for the same documentation work. If a manufacturer can demonstrate that the rates unreasonably exceed those of all other franchised motor vehicle dealers in the same relevant market area offering the same or a competitive motor vehicle line, the manufacturer is not required to honor the rate increase proposed by the dealer. If the manufacturer is not required to honor the rate increase proposed by the dealer, the dealer is entitled to resubmit a new proposed rate for labor and diagnostic work.

(c) A dealer may not be granted an increase in the average percentage markup or labor and diagnostic work rate more than ((~~twice~~)) once in one calendar year.

(2) All claims for warranty work for parts and labor made by dealers under this section ((~~shall~~)) must be submitted to the manufacturer within ((~~one year~~)) ninety days of the date the work was performed. All claims submitted must be paid by the manufacturer within thirty days following receipt, provided the claim has been approved by the manufacturer. The manufacturer has the right to audit claims for warranty work and to charge the dealer for any unsubstantiated, incorrect, or false claims for a period of ((~~one year~~)) nine months following payment. However, the manufacturer may audit and charge the dealer for any fraudulent claims during any period for which an action for fraud may be commenced under applicable state law.

(3) All claims submitted by dealers on the forms and in the manner specified by the manufacturer shall be either approved or disapproved within thirty days following their receipt. The manufacturer shall notify the dealer in writing of any disapproved claim, and shall set forth the reasons why the claim was not approved. Any claim not specifically disapproved in writing within thirty days following receipt is approved, and the manufacturer is required to pay that claim within thirty days of receipt of the claim.

(4) A manufacturer may not otherwise recover all or any portion of its costs for compensating its dealers licensed in this state for warranty parts and service either by reduction in the amount due to the dealer or by separate charge, surcharge, or other imposition.

Sec. 7. RCW 46.96.185 and 2010 c 178 s 6 are each amended to read as follows:

(1) Notwithstanding the terms of a franchise agreement, a manufacturer, distributor, factory branch, or factory representative, or an agent, officer, parent company, wholly or partially owned subsidiary, affiliated entity, or other person controlled by or under common control with a manufacturer, distributor, factory branch, or factory representative, shall not:

(a) Discriminate between new motor vehicle dealers by selling or offering to sell a like vehicle to one dealer at a lower actual price than the actual price offered to another dealer for the same model similarly equipped;

(b) Discriminate between new motor vehicle dealers by selling or offering to sell parts or accessories to one dealer at a lower actual price than the actual price offered to another dealer;

(c) Discriminate between new motor vehicle dealers by using a promotion plan, marketing plan, or other similar device that results in a lower actual price on vehicles, parts, or accessories being charged to one dealer over another dealer;

(d) Discriminate between new motor vehicle dealers by adopting a method, or changing an existing method, for the allocation, scheduling, or delivery of new motor vehicles, parts, or accessories to its dealers that is not fair, reasonable, and equitable. Upon the request of a dealer, a manufacturer, distributor, factory branch, or factory representative shall disclose in writing to the dealer the method by which new motor vehicles, parts, and accessories are allocated, scheduled, or delivered to its dealers handling the same line or make of vehicles;

(e) Discriminate against a new motor vehicle dealer by preventing, offsetting, or otherwise impairing the dealer's right to request a documentary service fee on affinity or similar program purchases. This prohibition applies to, but is not limited to, any promotion plan, marketing plan, manufacturer or dealer employee or employee friends or family purchase programs, or similar plans or programs;

(f) Give preferential treatment to some new motor vehicle dealers over others by refusing or failing to deliver, in reasonable quantities and within a reasonable time after receipt of an order, to a dealer holding a franchise for a line or make of motor vehicles sold or distributed by the manufacturer, distributor, factory branch, or factory representative, a new vehicle, parts, or accessories, if the vehicle, parts, or accessories are being delivered to other dealers, or require a dealer to purchase unreasonable advertising displays or other materials, or unreasonably require a dealer to remodel or renovate existing facilities as a prerequisite to receiving a model or series of vehicles;

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(g) Compete with a new motor vehicle dealer of any make or line by acting in the capacity of a new motor vehicle dealer, or by owning, operating, or controlling, whether directly or indirectly, a motor vehicle dealership in this state. It is not, however, a violation of this subsection for:

(i) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership for a temporary period, not to exceed two years, during the transition from one owner of the dealership to another where the dealership was previously owned by a franchised dealer and is currently for sale to any qualified independent person at a fair and reasonable price. The temporary operation may be extended for one twelve-month period on petition of the temporary operator to the department. The matter will be handled as an adjudicative proceeding under chapter 34.05 RCW. A dealer who is a franchisee of the petitioning manufacturer or distributor may intervene and participate in a proceeding under this subsection (1)(g)(i). The temporary operator has the burden of proof to show justification for the extension and a good faith effort to sell the dealership to an independent person at a fair and reasonable price;

(ii) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership in conjunction with an independent person in a bona fide business relationship for the purpose of broadening the diversity of its dealer body and enhancing opportunities for qualified persons who are part of a group who have historically been underrepresented in its dealer body, or other qualified persons who lack the resources to purchase a dealership outright, and where the independent person: (A) Has made, or within a period of two years from the date of commencement of operation will have made, a significant, bona fide capital investment in the dealership that is subject to loss; (B) has an ownership interest in the dealership; and (C) operates the dealership under a bona fide written agreement with the manufacturer, distributor, factory branch, or factory representative under which he or she will acquire all of the ownership interest in the dealership within a reasonable period of time and under reasonable terms and conditions. The manufacturer, distributor, factory branch, or factory representative has the burden of proof of establishing that the acquisition of the dealership by the independent person was made within a reasonable period of time and under reasonable terms and conditions. Nothing in this subsection (1)(g)(ii) relieves a manufacturer, distributor, factory branch, or factory representative from complying with (a) through (f) of this subsection;

(iii) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership in conjunction with an independent person in a bona fide business relationship where the independent person: (A) Has made, or within a period of two years from the date of commencement of operation will have made, a significant, bona fide capital investment in the dealership that is subject to loss; (B) has an ownership interest in the dealership; and (C) operates the dealership under a bona fide written agreement with the manufacturer, distributor, factory branch, or factory representative under which he or she will acquire all of the ownership interest in the dealership within a reasonable period of time and under reasonable terms and conditions. The manufacturer, distributor, factory branch, or factory representative has the burden of proof of establishing that the acquisition of the dealership by the independent person was made within a reasonable period of time and under reasonable terms and conditions. The number of dealerships operated under this subsection (1)(g)(iii) may not exceed four percent rounded up to the nearest whole number of a manufacturer's total of new motor vehicle dealer franchises in this state. Nothing in this subsection (1)(g)(iii) relieves a manufacturer, distributor, factory branch, or factory representative from complying with (a) through (f) of this subsection;

(iv) A truck manufacturer to own, operate, or control a new motor vehicle dealership that sells only trucks of that manufacturer's line make with a gross vehicle weight rating of 12,500 pounds or more, and the truck manufacturer has been continuously engaged in the retail sale of the trucks at least since January 1, 1993; ((~~or~~))

(v) A manufacturer to own, operate, or control a new motor vehicle dealership trading exclusively in a single line make of the manufacturer if (A) the manufacturer does not own, directly or indirectly, in the aggregate, in excess of forty-five percent of the total ownership interest in the dealership, (B) at the time the manufacturer first acquires ownership or assumes operation or control of any such dealership, the distance between any dealership thus owned, operated, or controlled and the nearest new motor vehicle dealership trading in the same line make of vehicle and in which the manufacturer has no ownership or control is not less than fifteen miles and complies with the applicable provisions in the relevant market area sections of this chapter, (C) all of the manufacturer's franchise agreements confer rights on the dealer of that line make to develop and operate within a defined geographic territory or area, as many dealership facilities as the dealer and the manufacturer agree are appropriate, and (D) as of January 1, 2000, the manufacturer had no more than four new motor vehicle dealers of that manufacturer's line make in this state, and at least half of those dealers owned and operated two or more dealership facilities in the geographic territory or area covered by their franchise agreements with the manufacturer;

(vi) A final-stage manufacturer to own, operate, or control a new motor vehicle dealership; or

(vii) A manufacturer that held a vehicle dealer license in this state on January 1, 2014, to own, operate, or control a new motor vehicle dealership that sells new vehicles that are only of that manufacturer's makes or lines and that are not sold new by a licensed independent franchise dealer, or to own, operate, or control or contract with companies that provide finance, leasing, or service for vehicles that are of that manufacturer's makes or lines;

(h) Compete with a new motor vehicle dealer by owning, operating, or controlling, whether directly or indirectly, a service facility in this state for the repair or maintenance of motor vehicles under the manufacturer's new car warranty and extended warranty. Nothing in this subsection (1)(h), however, prohibits a manufacturer, distributor, factory branch, or factory representative from owning or operating a service facility for the purpose of providing or performing maintenance, repair, or service work on motor vehicles that are owned by the manufacturer, distributor, factory branch, or factory representative;

(i) Use confidential or proprietary information obtained from a new motor vehicle dealer to unfairly compete with the dealer. For purposes of this subsection (1)(i), "confidential or proprietary information" means trade secrets as defined in RCW 19.108.010, business plans, marketing plans or strategies, customer lists, contracts, sales data, revenues, or other financial information;

(j)(i) Terminate, cancel, or fail to renew a franchise with a new motor vehicle dealer based upon any of the following events, which do not constitute good cause for termination, cancellation, or nonrenewal under RCW 46.96.060: (A) The fact that the new motor vehicle dealer owns, has an investment in, participates in the management of, or holds a franchise agreement for the sale or service of another make or line of new motor vehicles; (B) the fact that the new motor vehicle dealer has established another make or line of new motor vehicles or service in the same dealership facilities as those of the manufacturer or distributor; (C) that the new motor vehicle dealer has or intends to relocate the manufacturer or distributor's make or line of new motor vehicles or service to an existing dealership facility that is within the relevant market area, as defined in RCW 46.96.140, of the make or line to be relocated, except that, in any nonemergency circumstance, the dealer must give the manufacturer or distributor at least sixty days' notice of his or her intent to relocate and the relocation must comply with RCW 46.96.140 and 46.96.150 for any same make or line facility; or (D) the failure of a franchisee to change

Draft

the location of the dealership or to make substantial alterations to the use or number of franchises on the dealership premises or facilities.

(ii) Notwithstanding the limitations of this section, a manufacturer may, for separate consideration, enter into a written contract with a dealer to exclusively sell and service a single make or line of new motor vehicles at a specific facility for a defined period of time. The penalty for breach of the contract must not exceed the amount of consideration paid by the manufacturer plus a reasonable rate of interest;

(k) Coerce or attempt to coerce a motor vehicle dealer to refrain from, or prohibit or attempt to prohibit a new motor vehicle dealer from acquiring, owning, having an investment in, participating in the management of, or holding a franchise agreement for the sale or service of another make or line of new motor vehicles or related products, or establishing another make or line of new motor vehicles or service in the same dealership facilities, if the prohibition against acquiring, owning, investing, managing, or holding a franchise for such additional make or line of vehicles or products, or establishing another make or line of new motor vehicles or service in the same dealership facilities, is not supported by reasonable business considerations. The burden of proving that reasonable business considerations support or justify the prohibition against the additional make or line of new motor vehicles or products or nonexclusive facilities is on the manufacturer;

(l) Require, by contract or otherwise, a new motor vehicle dealer to make a material alteration, expansion, or addition to any dealership facility, unless the required alteration, expansion, or addition is uniformly required of other similarly situated new motor vehicle dealers of the same make or line of vehicles and is reasonable in light of all existing circumstances, including economic conditions. In any proceeding in which a required facility alteration, expansion, or addition is an issue, the manufacturer or distributor has the burden of proof. Except for a program or any renewal or modification of a program that is in effect with one or more new motor vehicle dealers in this state on the effective date of this section, a manufacturer shall not require, coerce, or attempt to coerce any new motor vehicle dealer by program, policy, standard, or otherwise to change the location of the dealership or construct, replace, renovate, or make any substantial changes, alterations, or remodeling to a new motor vehicle dealer's sales or service facilities, except as necessary to comply with health or safety laws or to comply with technology requirements without which a dealer would be unable to service a vehicle the dealer has elected to sell, before the tenth anniversary of the date of issuance of the certificate of occupancy or the manufacturer's approval, whichever is later, from:

(i) The date construction of the dealership at that location was completed if the construction was in substantial compliance with standards or plans provided by a manufacturer, distributor, or representative or through a subsidiary or agent of the manufacturer, distributor, or representative; or

(ii) The date a prior change, alteration, or remodel of the dealership at that location was completed if the construction was in substantial compliance with standards or plans provided by a manufacturer, distributor, or representative or through a subsidiary or agent of the manufacturer, distributor, or representative;

(m) Prevent or attempt to prevent by contract or otherwise any new motor vehicle dealer from changing the executive management of a new motor vehicle dealer unless the manufacturer or distributor, having the burden of proof, can show that a proposed change of executive management will result in executive management by a person or persons who are not of good moral character or who do not meet reasonable, preexisting, and equitably applied standards of the manufacturer or distributor. If a manufacturer or distributor rejects a proposed change in the executive management, the manufacturer or distributor shall give written notice of its reasons to the dealer within sixty days after receiving written notice from the dealer of the proposed change and all related information reasonably requested by the manufacturer or distributor, or the change in executive management must be considered approved; ((~~or~~))

(n) Condition the sale, transfer, relocation, or renewal of a franchise agreement or condition manufacturer, distributor, factory branch, or factory representative sales, services, or parts incentives upon the manufacturer obtaining site control, including rights to purchase or lease the dealer's facility, or an agreement to make improvements or substantial renovations to a facility. For purposes of this section, a substantial renovation has a gross cost to the dealer in excess of five thousand dollars;

(o) Fail to provide to a new motor vehicle dealer purchasing or leasing building materials or other facility improvements the right to purchase or lease franchisor image elements of like kind and quality from an alternative vendor selected by the dealer if the goods or services are to be supplied by a vendor selected, identified, or designated by the manufacturer or distributor. If the vendor selected by the manufacturer or distributor is the only available vendor of like kind and quality materials, the new motor vehicle dealer must be given the opportunity to purchase the franchisor image elements at a price substantially similar to the capitalized lease costs of the elements. This subsection (1)(o) must not be construed to allow a new motor vehicle dealer or vendor to gain additional intellectual property rights they are not otherwise entitled to or to impair or eliminate the intellectual property rights of the manufacturer or distributor or to permit a new motor vehicle dealer to erect or maintain signs that do not conform to the reasonable intellectual property usage guidelines of the manufacturer or distributor;

(p) Take any adverse action against a new motor vehicle dealer including, but not limited to, charge backs or reducing vehicle allocations, for sales and service performance within a designated area of primary responsibility unless that area is reasonable in light of proximity to relevant census tracts to the dealership and competing dealerships, highways and road networks, state borders, any natural or man-made barriers, demographics, including economic factors, and buyer behavior information; or

(q) Require, coerce, or attempt to coerce any new motor vehicle dealer by program, policy, facility guide, standard, or otherwise to order or accept delivery of any service or repair appliances, equipment, parts, or accessories, or any other commodity not required by law, which the dealer has not voluntarily ordered or which the dealer does not have the right to return unused for a full refund within ninety days or a longer period as mutually agreed upon by the dealer and manufacturer.

(2) Subsection (1)(a), (b), and (c) of this section do not apply to sales to a motor vehicle dealer: (a) For resale to a federal, state, or local government agency; (b) where the vehicles will be sold or donated for use in a program of driver's education; (c) where the sale is made under a manufacturer's bona fide promotional program offering sales incentives or rebates; (d) where the sale of parts or accessories is under a manufacturer's bona fide quantity discount program; or (e) where the sale is made under a manufacturer's bona fide fleet vehicle discount program. For purposes of this subsection, "fleet" means a group of fifteen or more new motor vehicles purchased or leased by a dealer at one time under a single purchase or lease agreement for use as part of a fleet, and where the dealer has been assigned a fleet identifier code by the department of licensing.

(3) The following definitions apply to this section:

(a) "Actual price" means the price to be paid by the dealer less any incentive paid by the manufacturer, distributor, factory branch, or factory representative, whether paid to the dealer or the ultimate purchaser of the vehicle.

(b) "Control" or "controlling" means (i) the possession of, title to, or control of ten percent or more of the voting equity interest in a person, whether directly or indirectly through a fiduciary, agent, or other intermediary, or (ii) the possession, direct or indirect, of the

power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting securities, through director control, by contract, or otherwise, except as expressly provided under the franchise agreement.

(c) "Motor vehicles" does not include trucks that are 14,001 pounds gross vehicle weight and above or recreational vehicles as defined in RCW 43.22.335.

(d) "Operate" means to manage a dealership, whether directly or indirectly.

(e) "Own" or "ownership" means to hold the beneficial ownership of one percent or more of any class of equity interest in a dealership, whether the interest is that of a shareholder, partner, limited liability company member, or otherwise. To hold an ownership interest means to have possession of, title to, or control of the ownership interest, whether directly or indirectly through a fiduciary, agent, or other intermediary.

(4) A violation of this section is deemed to affect the public interest and constitutes an unlawful and unfair practice under chapter 19.86 RCW. A person aggrieved by an alleged violation of this section may petition the department to have the matter handled as an adjudicative proceeding under chapter 34.05 RCW.

NEW SECTION. **Sec. 8.** A new section is added to chapter 46.96 RCW to read as follows:

(1) Notwithstanding the terms or conditions of any consent, authorization, release, novation, franchise, or other contract or agreement, whenever any manufacturer, factory branch, distributor, distributor branch, dealer management computer system vendor, or any third party acting on behalf of or through, or approved, referred, endorsed, authorized, certified, granted preferred status, or recommended by, any manufacturer, factory branch, distributor, distributor branch, or dealer management computer system vendor, requires that a new motor vehicle dealer provide any other new motor vehicle dealer, consumer, or customer data or information through direct access to the dealer's management computer system, the new motor vehicle dealer is not required to provide, and may not be required to consent to provide in any written agreement, such direct access to its management computer system.

However, the new motor vehicle dealer may provide any other new motor vehicle dealer, consumer, or customer data or information specified by the requesting party by timely obtaining and pushing or otherwise furnishing the requested data to the requesting party in a widely accepted file format, such as comma delimited, provided that when a new motor vehicle dealer would otherwise be required to provide direct access to its management computer system under the terms of a consent, authorization, release, novation, franchise, or other contract or agreement, a new motor vehicle dealer that elects to provide data or information through other means may be charged a reasonable initial set-up fee and reasonable processing fee based on the actual incremental costs incurred by the party requesting the data for establishing and implementing the process for the dea[illegible] term or provision contained in any consent, authorizatio[illegible] novation, franchise, or other contract or agreement that is inconsistent with this subsection is voidable at the option of the new motor vehicle dealer.

(2) Notwithstanding the terms or conditions of any consent, authorization, release, novation, franchise, or other contract or agreement, every manufacturer, factory branch, distributor, distributor branch, or any third party acting on behalf of or through any manufacturer, factory branch, distributor, or distributor branch, having electronic access to consumer or customer data or other information in a computer system utilized by a new motor vehicle dealer, or who has otherwise been provided consumer or customer data or information by the dealer, shall fully indemnify and hold harmless the dealer from whom it has acquired the consumer or customer data or other information from all damages, costs, and expenses incurred by the dealer including, but not limited to, judgments, settlements, fines, penalties, litigation costs, defense costs, court costs, costs related to the disclosure of security breaches, and attorneys' fees arising out of complaints, claims, security breaches, civil or administrative actions, and, to the fullest extent allowable under the law, governmental investigations and prosecutions to the extent caused by the manufacturer, factory branch, distributor, distributor branch, or third party acting on behalf of the manufacturer, factory branch, distributor, or distributor branch's access, storage, maintenance, use, sharing, disclosure, or retention of the dealer's consumer or customer data or other information, or maintenance or services provided to any computer system utilized by the dealer by the manufacturer, factory branch, distributor, distributor branch, or third party acting on behalf of or through the manufacturer, factory branch, distributor, or distributor branch.

(3) Notwithstanding the terms or conditions of any consent, authorization, release, novation, franchise, or other contract or agreement, a dealer management computer system vendor or any third party acting on behalf of or through any dealer management computer system vendor, having electronic access to consumer or customer data or other information in a computer system utilized by a new motor vehicle dealer, or who has otherwise been provided consumer or customer data or information by the dealer, shall fully indemnify and hold harmless the dealer from whom it has acquired the consumer or customer data or other information from all damages, costs, and expenses incurred by the dealer including, but not limited to, judgments, settlements, fines, penalties, litigation costs, defense costs, court costs, costs related to the disclosure of security breaches, and attorneys' fees arising out of complaints, claims, security breaches, civil or administrative actions, and, to the fullest extent allowable under the law, governmental investigations and prosecutions to the extent caused by the dealer management computer system vendor or any third party acting on behalf of the dealer management computer system vendor's access, storage, maintenance, use, sharing, disclosure, or retention of the dealer's consumer or customer data or other information, or maintenance or services provided to any computer system utilized by the dealer, by the dealer management computer system vendor or third party acting on behalf of or through the dealer management computer system vendor.

NEW SECTION. **Sec. 9.** This act applies to all franchises and contracts between manufacturers and new motor vehicle dealers amended, renewed, or entered into after the effective date of this section. For purposes of chapter 46.96 RCW, an agreement between a manufacturer and new motor vehicle dealer entered into after the effective date of this section, addressing any issues governed by chapter 46.96 RCW, is considered an amendment to an existing franchise."

Correct the title.

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

Amendment (788) 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 Kirby and Parker spoke in favor of the passage of the bill.

Draft

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2524.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2524, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Carlyle, Chandler, Christian, Clibborn, Cody, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Harris, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Shea, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, Hawkins and Scott.

Excused: Representatives Dahlquist and DeBolt.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2524, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2149, by Representatives Cody, Carlyle, Johnson, Jinkins, Morrell and Santos

Concerning medical marijuana.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2149 was substituted for House Bill No. 2149 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2149 was read the second time.

Representative Cody moved the adoption of amendment (757).

On page 3, line 34, after "condition" insert "or has been directly referred to a health care professional from the principle health care professional treating the patient's terminal or debilitating medical condition"

On page 3, line 37, after "by" strike "that health care professional" and insert "((~~that health care professional~~)) a health care professional under (b) of this subsection"

On page 4, line 1, after "by" strike "that health care professional" and insert "((~~that health care professional~~)) a health care professional under (b) of this subsection"

On page 8, line 8, after "is" strike "the primary" and insert ":

(i) The principle"

On page 8, line 10, after "documentation" insert "; or

(ii) A health care professional who has examined the patient upon direct referral from the principle health care professional treating the patient's terminal or debilitating medical condition that is the basis for the issuance of the valid documentation"

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

Amendment (757) was adopted.

The bill was ordered engrossed.

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

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

Representative Manweller and Condotta spoke against the passage of the bill.

POINT OF PARLIAMENTARY INQUIRY

Representative Lytton: "How many votes are required for final passage of this bill, Mr. Speaker?"

SPEAKER'S RULING

Mr. Speaker: "Initiative 502, passed by the voters in November 2012, established a system for the lawful production, manufacture, distribution and possession of recreational marijuana by persons over the age of 21.

The constitution requires a 2/3 vote to amend an initiative within the first two years of passage. Case law differentiates between "amendatory" acts and "supplemental" acts in determining whether the 2/3 requirement applies: An amendment creates an alteration or change…A supplemental act simply supplies a deficiency, adds to, extends or completes that which is already in existence without changing or modifying the original.

The Legislature may validly enact (with a majority vote) new legislation that deals with the same general subject matter as an initiative so long as the essential purpose and effect of the prior initiative is not altered. The question presented is whether the provisions of 2SHB 2149 are "amendatory" or "supplemental". The initiative establishes a licensing system for retailers to sell marijuana and marijuana-infused products to consumers. Second Substitute House Bill 2149 adds provisions for a "medical marijuana" endorsement to the retail license established by the initiative. Because the bill changes the licensing system established in the initiative, the Speaker finds that the bill amends the initiative within the meaning of Article 2, section 31, and that a 2/3 vote is required for passage."

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2149.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2149, and the bill passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Buys, Carlyle, Clibborn, Cody, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Hansen, Hargrove, Harris, Hayes, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Lytton, Moeller, Morrell, Morris, Moscoso, Nealey, Ormsby, Ortiz-Self, Orwall,

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Pettigrew, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Warnick, Wylie and Mr. Speaker.

Voting nay: Representatives Blake, Chandler, Christian, Condotta, G. Hunt, Haler, Hawkins, Holy, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, Muri, Orcutt, Overstreet, Parker, Pike, Pollet, Reykdal, Scott, Shea, Short, Taylor, Vick, Walsh, Wilcox, Young and Zeiger.

Excused: Representatives Dahlquist and DeBolt.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2149, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2643, by Representatives Farrell, Riccelli, Cody, Bergquist, Stanford, Gregerson, Sawyer, Tarleton, Fey, Stonier, Robinson, Walkinshaw, Morrell, Pollet, Ormsby and Freeman

Concerning efforts with private and public partnerships to help produce Washington's healthiest next generation.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2643 was substituted for House Bill No. 2643 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2643 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 Farrell and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2643.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2643, and the bill passed the House by the following vote: Yeas, 68; Nays, 28; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Hansen, Harris, Hayes, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Kochmar, Lytton, MacEwen, Moeller, Morrell, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Parker, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Warnick, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Christian, Condotta, Fagan, G. Hunt, Haler, Hargrove, Hawkins, Holy, Klippert, Kretz, Kristiansen, Magendanz, Manweller, Nealey, Orcutt, Overstreet, Pike, Schmick, Scott, Shea, Short, Taylor, Vick, Wilcox, Young and Zeiger.

Excused: Representatives Dahlquist and DeBolt.

SECOND SUBSTITUTE HOUSE BILL NO. 2643, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2573, by Representative Hudgins

Requiring the department of licensing to conduct a review of the need for regulation of theatrical wrestling events.

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 Hudgins, Parker and Muri spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2573.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2573, and the bill passed the House by the following vote: Yeas, 82; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Chandler, Christian, Clibborn, Cody, Dunshee, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Goodman, Green, Gregerson, Habib, Haigh, Haler, Hansen, Hargrove, Hawkins, Hayes, Holy, Hope, Hudgins, Hunter, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Lytton, MacEwen, Manweller, Moeller, Morrell, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Roberts, Robinson, Rodne, Ross, Ryu, S. Hunt, Santos, Sawyer, Schmick, Seaquist, Sells, Senn, Short, Smith, Springer, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Condotta, Harris, Kretz, Kristiansen, Magendanz, Nealey, Orcutt, Overstreet, Scott, Shea, Taylor, Warnick and Wilcox.

Excused: Representatives Dahlquist and DeBolt.

HOUSE BILL NO. 2573, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1224, by Representatives Kretz, Takko and Short

Providing a process for county legislative authorities to withdraw from voluntary planning under the growth management act.

The bill was read the second time.

Representative Fitzgibbon moved the adoption of amendment (787).

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.040 and 2000 c 36 s 1 are each amended to read as follows:

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(1) Each county that has both a population of fifty thousand or more and, until May 16, 1995, has had its population increase by more than ten percent in the previous ten years or, on or after May 16, 1995, has had its population increase by more than seventeen percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section. For the purposes of this subsection, a county not currently planning under this chapter is not required to include in its population count those persons confined in a correctional facility under the jurisdiction of the department of corrections that is located in the county.

Once a county meets either of these sets of criteria, the requirement to conform with all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2)(a) The county legislative authority of any county that does not meet either of the sets of criteria established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall conform with all of the requirements of this chapter. Once such a resolution has been adopted, the county and the cities located within the county, except as provided otherwise by this chapter, remain subject to all ((~~of the~~)) requirements of this chapter.

(b) Until December 31, 2014, the legislative authority of a county may adopt a withdrawal resolution exempting the county and the cities located within the county from, except as provided otherwise by this chapter, requirements to adopt comprehensive land use plans and development regulations under this section if:

(i) The county has a population of twenty thousand or fewer inhabitants at any time between January 1, 2010, and December 31, 2014;

(ii) The county previously adopted a resolution indicating its intention to have subsection (1) of this section apply to the county;

(iii) At least sixty days prior to adopting the withdrawal resolution, the county provides written notification to the legislative body of each city within the county of its intent to consider adopting the resolution; and

(iv) Before the county legislative authority adopts the withdrawal resolution, the legislative bodies of at least sixty percent of those cities having an aggregate population of at least seventy-five percent of the incorporated county population adopt resolutions supporting the action by the county and provide written notification of this support to the county.

(c) Upon adoption of a withdrawal resolution under (b) of this subsection, the county and the cities within the county are no longer obligated to plan under this section and, except as provided otherwise by this chapter, are exempt from this chapter. However, if a county meets the population criteria for mandatory planning under subsection (1) of this section as of January 1, 2010, or on any subsequent date, the withdrawal resolution of the county is invalid and the county and each city located within the county is required to comply with all the requirements of this chapter.

(d) The county legislative authority of a county that has adopted a withdrawal resolution under (b) of this subsection may subsequently pass a resolution indicating its intention to have subsection (1) of this section apply to the county.

(3) Any county or city that is initially required to conform with all of the requirements of this chapter under subsection (1) of this section shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a countywide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forest lands, and mineral resource lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) if the county has a population of fifty thousand or more, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, 1994, and if the county has a population of less than fifty thousand, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan by January 1, 1995, but if the governor makes written findings that a county with a population of less than fifty thousand or a city located within such a county is not making reasonable progress toward adopting a comprehensive plan and development regulations the governor may reduce this deadline for such actions to be taken by no more than one hundred eighty days. Any county or city subject to this subsection may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department ((~~of community, trade, and economic development~~)) of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(4)(a) Any county or city that is required to conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section, shall take actions under this chapter as follows: ((~~(a)~~)) (i) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; ((~~(b)~~)) (ii) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; ((~~(c)~~)) (iii) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and ((~~(d)~~)) (iv) the county and each city that is located within the county shall adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than four years from the date the county legislative authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department ((~~of community, trade, and economic development~~)) of its need prior to the deadline for adopting both a comprehensive plan and development regulations. The requirements of this subsection (4)(a)(iv), as they apply to the rural element required by RCW 36.70A.070(5), are not affected or otherwise modified by the adoption of a withdrawal resolution under subsection (2)(b) of this section.

(b) The requirements of (a)(ii) of this subsection, as they apply to the requirements of RCW 36.70A.060(1), are not affected or otherwise modified by the adoption of a withdrawal resolution under subsection (2)(b) of this section.

(5) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the sets of criteria specified under subsection (1) of this

section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a countywide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office of financial management; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city located within the county shall adopt a comprehensive land use plan and development regulations that are consistent with and implement the comprehensive plan within four years of the certification by the office of financial management, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department ((~~of community, trade, and economic development~~)) of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(6) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption.

(7) Cities and counties planning under this chapter must amend the transportation element of the comprehensive plan to be in compliance with this chapter and chapter 47.80 RCW no later than December 31, 2000.

(8)(a) Each county that adopts a withdrawal resolution under subsection (2)(b) of this section that is not in compliance with RCW 36.70A.060, 36.70A.170, or 36.70A.172 on the date of the adoption of the resolution must, within one year of the adoption of the resolution, adopt an ordinance complying with the applicable provisions of RCW 36.70A.060, 36.70A.170, and 36.70A.172.

(b) Each city that is both within a county that adopts a withdrawal resolution under subsection (2)(b) of this section that is not in compliance with RCW 36.70A.060, 36.70A.170, or 36.70A.172 on the date of the adoption of the resolution must, within one year of the adoption of the resolution, adopt an ordinance complying with the applicable provisions of RCW 36.70A.060, 36.70A.170, and 36.70A.172.

Sec. 2. RCW 36.70A.070 and 2010 1st sp.s. c 26 s 6 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may

allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area shall be subject to the requirements of (d)(iv) of this subsection, but shall not be subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(15). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(15). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

<u>(f) The requirements of this subsection (5) are not affected or otherwise modified by the adoption of a withdrawal resolution under RCW 36.70A.040(2)(b).</u>

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as

the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. The element shall include: (a) A summary of the local economy such as population, employment, payroll, sectors, businesses, sales, and other information as appropriate; (b) a summary of the strengths and weaknesses of the local economy defined as the commercial and industrial sectors and supporting factors such as land use, transportation, utilities, education, workforce, housing, and natural/cultural resources; and (c) an identification of policies, programs, and projects to foster economic growth and development and to address future needs. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

Sec. 3. RCW 36.70A.110 and 2010 c 211 s 1 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(2) Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period, except for those urban growth areas contained totally within a national historical reserve. As part of this planning process, each city within the county must include areas sufficient to accommodate the broad range of needs and uses that will accompany the projected urban growth including, as appropriate, medical, governmental, institutional, commercial, service, retail, and other nonresidential uses.

Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. In the case of urban growth areas contained totally within a national historical reserve, the city may restrict densities, intensities, and forms of urban growth as determined to be necessary and appropriate to protect the physical, cultural, or historic integrity of the reserve. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

(4) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or

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expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

(5) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and under this section. Such action may be appealed to the growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(6) Each county shall include designations of urban growth areas in its comprehensive plan.

(7) An urban growth area designated in accordance with this section may include within its boundaries urban service areas or potential annexation areas designated for specific cities or towns within the county.

(8)(a) Except as provided in (b) of this subsection, the expansion of an urban growth area is prohibited into the one hundred year floodplain of any river or river segment that: (i) Is located west of the crest of the Cascade mountains; and (ii) has a mean annual flow of one thousand or more cubic feet per second as determined by the department of ecology.

(b) Subsection (8)(a) of this section does not apply to:

(i) Urban growth areas that are fully contained within a floodplain and lack adjacent buildable areas outside the floodplain;

(ii) Urban growth areas where expansions are precluded outside floodplains because:

(A) Urban governmental services cannot be physically provided to serve areas outside the floodplain; or

(B) Expansions outside the floodplain would require a river or estuary crossing to access the expansion; or

(iii) Urban growth area expansions where:

(A) Public facilities already exist within the floodplain and the expansion of an existing public facility is only possible on the land to be included in the urban growth area and located within the floodplain; or

(B) Urban development already exists within a floodplain as of July 26, 2009, and is adjacent to, but outside of, the urban growth area, and the expansion of the urban growth area is necessary to include such urban development within the urban growth area; or

(C) The land is owned by a jurisdiction planning under this chapter or the rights to the development of the land have been permanently extinguished, and the following criteria are met:

(I) The permissible use of the land is limited to one of the following: Outdoor recreation; environmentally beneficial projects, including but not limited to habitat enhancement or environmental restoration; storm water facilities; flood control facilities; or underground conveyances; and

(II) The development and use of such facilities or projects will not decrease flood storage, increase storm water runoff, discharge pollutants to fresh or salt waters during normal operations or floods, or increase hazards to people and property.

(c) For the purposes of this subsection (8), "one hundred year floodplain" means the same as "special flood hazard area" as set forth in WAC 173-158-040 as it exists on July 26, 2009.

(9) The requirements of this section do not apply to a county that has adopted a withdrawal resolution under RCW 36.70A.040(2)(b).

Sec. 4. RCW 36.70A.115 and 2009 c 121 s 3 are each amended to read as follows:

(1) Counties and cities that are required or choose to plan under RCW 36.70A.040 shall ensure that, taken collectively, adoption of and amendments to their comprehensive plans and/or development regulations provide sufficient capacity of land suitable for development within their jurisdictions to accommodate their allocated housing and employment growth, including the accommodation of, as appropriate, the medical, governmental, educational, institutional, commercial, and industrial facilities related to such growth, as adopted in the applicable countywide planning policies and consistent with the twenty- year population forecast from the office of financial management.

(2) The requirements of this section do not apply to a county that has adopted a withdrawal resolution under RCW 36.70A.040(2)(b) and the cities within that county.

Sec. 5. RCW 36.70A.120 and 1993 sp.s. c 6 s 3 are each amended to read as follows:

(1) Each county and city that is required or chooses to plan under RCW 36.70A.040 shall perform its activities and make capital budget decisions in conformity with its comprehensive plan.

(2) The requirements of this section do not apply to a county that has adopted a withdrawal resolution under RCW 36.70A.040(2)(b) and the cities within that county.

Sec. 6. RCW 36.70A.140 and 1995 c 347 s 107 are each amended to read as follows:

(1) Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. In enacting legislation in response to the board's decision pursuant to RCW 36.70A.300 declaring part or all of a comprehensive plan or development regulation invalid, the county or city shall provide for public participation that is appropriate and effective under the circumstances presented by the board's order. Errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.

(2) The requirements of this section do not apply to a county that has adopted a withdrawal resolution under RCW 36.70A.040(2)(b) and the cities within that county.

Sec. 7. RCW 36.70A.150 and 1991 c 322 s 23 are each amended to read as follows:

(1) Each county and city that is required or chooses to prepare a comprehensive land use plan under RCW 36.70A.040 shall identify lands useful for public purposes such as utility corridors, transportation corridors, landfills, sewage treatment facilities, storm water management facilities, recreation, schools, and other public uses. The county shall work with the state and the cities within its borders to identify areas of shared need for public facilities. The jurisdictions within the county shall prepare a prioritized list of lands necessary for the identified public uses including an estimated date by which the acquisition will be needed.

The respective capital acquisition budgets for each jurisdiction shall reflect the jointly agreed upon priorities and time schedule.

(2) The requirements of this section do not apply to a county that has adopted a withdrawal resolution under RCW 36.70A.040(2)(b) and the cities within that county.

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Sec. 8. RCW 36.70A.160 and 1992 c 227 s 1 are each amended to read as follows:

(1) Each county and city that is required or chooses to prepare a comprehensive land use plan under RCW 36.70A.040 shall identify open space corridors within and between urban growth areas. They shall include lands useful for recreation, wildlife habitat, trails, and connection of critical areas as defined in RCW 36.70A.030. Identification of a corridor under this section by a county or city shall not restrict the use or management of lands within the corridor for agricultural or forest purposes. Restrictions on the use or management of such lands for agricultural or forest purposes imposed after identification solely to maintain or enhance the value of such lands as a corridor may occur only if the county or city acquires sufficient interest to prevent development of the lands or to control the resource development of the lands. The requirement for acquisition of sufficient interest does not include those corridors regulated by the interstate commerce commission, under provisions of 16 U.S.C. Sec. 1247(d), 16 U.S.C. Sec. 1248, or 43 U.S.C. Sec. 912. Nothing in this section shall be interpreted to alter the authority of the state, or a county or city, to regulate land use activities.

(2) The city or county may acquire by donation or purchase the fee simple or lesser interests in these open space corridors using funds authorized by RCW 84.34.230 or other sources.

(3) The requirements of this section do not apply to a county that has adopted a withdrawal resolution under RCW 36.70A.040(2)(b) and the cities within that county.

Sec. 9. RCW 36.70A.200 and 2013 c 275 s 5 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, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient 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) The office of financial management shall maintain 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) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) 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 42.17A.005, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) 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(3); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

(9) The requirements of subsections (1), (2), and (5) through (8) of this section do not apply to a county that has adopted a withdrawal resolution under RCW 36.70A.040(2)(b) and the cities within that county.

Sec. 10. RCW 36.70A.210 and 2009 c 121 s 2 are each amended to read as follows:

(1) The legislature recognizes that counties are regional governments within their boundaries, and cities are primary providers of urban governmental services within urban growth areas. For the purposes of this section, a "countywide planning policy" is a written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter. This framework shall ensure that city and county comprehensive plans are consistent as required in RCW 36.70A.100. Nothing in this section shall be construed to alter the land-use powers of cities.

(2) The legislative authority of a county that plans under RCW 36.70A.040 shall adopt a countywide planning policy in cooperation with the cities located in whole or in part within the county as follows:

(a) No later than sixty calendar days from July 16, 1991, the legislative authority of each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040 shall convene a meeting with representatives of each city located within the county for the purpose of establishing a collaborative process that will provide a framework for the adoption of a countywide planning policy. In other counties that are required or choose to plan under RCW 36.70A.040, this meeting shall be convened no later than sixty days after the date the county adopts its resolution of intention or was certified by the office of financial management.

(b) The process and framework for adoption of a countywide planning policy specified in (a) of this subsection shall determine the manner in which the county and the cities agree to all procedures and provisions including but not limited to desired planning policies, deadlines, ratification of final agreements and demonstration thereof, and financing, if any, of all activities associated therewith.

(c) If a county fails for any reason to convene a meeting with representatives of cities as required in (a) of this subsection, the governor may immediately impose any appropriate sanction or sanctions on the county from those specified under RCW 36.70A.340.

(d) If there is no agreement by October 1, 1991, in a county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or if there is no agreement within one hundred twenty days of the date the county adopted its resolution of intention or was certified by the office of financial management in any other county that is required or chooses to plan under RCW 36.70A.040, the governor shall first inquire of the jurisdictions as to the reason or reasons for failure to reach an agreement. If the governor deems it appropriate, the governor may immediately request the assistance of the department ((~~of community, trade, and economic development~~)) to mediate any disputes that preclude agreement. If mediation is unsuccessful in resolving all disputes that will lead to agreement, the governor may impose appropriate sanctions from those specified under RCW 36.70A.340 on the county, city, or cities for failure to reach an agreement as provided in this section. The governor shall specify the reason or reasons for the imposition of any sanction.

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(e) No later than July 1, 1992, the legislative authority of each county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or no later than fourteen months after the date the county adopted its resolution of intention or was certified by the office of financial management the county legislative authority of any other county that is required or chooses to plan under RCW 36.70A.040, shall adopt a countywide planning policy according to the process provided under this section and that is consistent with the agreement pursuant to (b) of this subsection, and after holding a public hearing or hearings on the proposed countywide planning policy.

(3) A countywide planning policy shall at a minimum, address the following:

(a) Policies to implement RCW 36.70A.110;

(b) Policies for promotion of contiguous and orderly development and provision of urban services to such development;

(c) Policies for siting public capital facilities of a countywide or statewide nature, including transportation facilities of statewide significance as defined in RCW 47.06.140;

(d) Policies for countywide transportation facilities and strategies;

(e) Policies that consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution;

(f) Policies for joint county and city planning within urban growth areas;

(g) Policies for countywide economic development and employment, which must include consideration of the future development of commercial and industrial facilities; and

(h) An analysis of the fiscal impact.

(4) Federal agencies and Indian tribes may participate in and cooperate with the countywide planning policy adoption process. Adopted countywide planning policies shall be adhered to by state agencies.

(5) Failure to adopt a countywide planning policy that meets the requirements of this section may result in the imposition of a sanction or sanctions on a county or city within the county, as specified in RCW 36.70A.340. In imposing a sanction or sanctions, the governor shall specify the reasons for failure to adopt a countywide planning policy in order that any imposed sanction or sanctions are fairly and equitably related to the failure to adopt a countywide planning policy.

(6) Cities and the governor may appeal an adopted countywide planning policy to the growth management hearings board within sixty days of the adoption of the countywide planning policy.

(7) Multicounty planning policies shall be adopted by two or more counties, each with a population of four hundred fifty thousand or more, with contiguous urban areas and may be adopted by other counties, according to the process established under this section or other processes agreed to among the counties and cities within the affected counties throughout the multicounty region.

(8) The requirements of this section do not apply to a county that has adopted a withdrawal resolution under RCW 36.70A.040(2)(b).

Sec. 11. RCW 36.70A.350 and 1991 sp.s. c 32 s 16 are each amended to read as follows:

A county required or choosing to plan under RCW 36.70A.040 may establish a process as part of its urban growth areas, that are designated under RCW 36.70A.110, for reviewing proposals to authorize new fully contained communities located outside of the initially designated urban growth areas.

(1) A new fully contained community may be approved in a county planning under this chapter if criteria including but not limited to the following are met:

(a) New infrastructure is provided for and impact fees are established consistent with the requirements of RCW 82.02.050;

(b) Transit-oriented site planning and traffic demand management programs are implemented;

(c) Buffers are provided between the new fully contained communities and adjacent urban development;

(d) A mix of uses is provided to offer jobs, housing, and services to the residents of the new community;

(e) Affordable housing is provided within the new community for a broad range of income levels;

(f) Environmental protection has been addressed and provided for;

(g) Development regulations are established to ensure urban growth will not occur in adjacent nonurban areas;

(h) Provision is made to mitigate impacts on designated agricultural lands, forest lands, and mineral resource lands;

(i) The plan for the new fully contained community is consistent with the development regulations established for the protection of critical areas by the county pursuant to RCW 36.70A.170.

(2) New fully contained communities may be approved outside established urban growth areas only if a county reserves a portion of the twenty-year population projection and offsets the urban growth area accordingly for allocation to new fully contained communities that meet the requirements of this chapter. Any county electing to establish a new community reserve shall do so no more often than once every five years as a part of the designation or review of urban growth areas required by this chapter. The new community reserve shall be allocated on a project-by-project basis, only after specific project approval procedures have been adopted pursuant to this chapter as a development regulation. When a new community reserve is established, urban growth areas designated pursuant to this chapter shall accommodate the unreserved portion of the twenty-year population projection.

Final approval of an application for a new fully contained community shall be considered an adopted amendment to the comprehensive plan prepared pursuant to RCW 36.70A.070 designating the new fully contained community as an urban growth area.

(3) This section does not apply to a county that has adopted a withdrawal resolution under RCW 36.70A.040(2)(b).

Sec. 12. RCW 36.70A.360 and 1998 c 112 s 2 are each amended to read as follows:

(1) Counties that are required or choose to plan under RCW 36.70A.040 may permit master planned resorts which may constitute urban growth outside of urban growth areas as limited by this section. A master planned resort means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities.

(2) Capital facilities, utilities, and services, including those related to sewer, water, storm water, security, fire suppression, and emergency medical, provided on-site shall be limited to meeting the needs of the master planned resort. Such facilities, utilities, and services may be provided to a master planned resort by outside service providers, including municipalities and special purpose districts, provided that all costs associated with service extensions and capacity increases directly attributable to the master planned resort are fully borne by the resort. A master planned resort and service providers may enter into agreements for shared capital facilities and utilities, provided that such facilities and utilities serve only the master planned resort or urban growth areas.

Nothing in this subsection may be construed as: Establishing an order of priority for processing applications for water right permits, for granting such permits, or for issuing certificates of water right; altering or authorizing in any manner the alteration of the place of use for a water right; or affecting or impairing in any manner whatsoever an existing water right.

All waters or the use of waters shall be regulated and controlled as provided in chapters 90.03 and 90.44 RCW and not otherwise.

(3) A master planned resort may include other residential uses within its boundaries, but only if the residential uses are integrated into and support the on-site recreational nature of the resort.

(4) A master planned resort may be authorized by a county only if:

(a) The comprehensive plan specifically identifies policies to guide the development of master planned resorts;

(b) The comprehensive plan and development regulations include restrictions that preclude new urban or suburban land uses in the vicinity of the master planned resort, except in areas otherwise designated for urban growth under RCW 36.70A.110;

(c) The county includes a finding as a part of the approval process that the land is better suited, and has more long-term importance, for the master planned resort than for the commercial harvesting of timber or agricultural production, if located on land that otherwise would be designated as forest land or agricultural land under RCW 36.70A.170;

(d) The county ensures that the resort plan is consistent with the development regulations established for critical areas; and

(e) On-site and off-site infrastructure and service impacts are fully considered and mitigated.

(5) This section does not apply to a county that has adopted a withdrawal resolution under RCW 36.70A.040(2)(b).

Sec. 13. RCW 36.70A.370 and 1991 sp.s. c 32 s 18 are each amended to read as follows:

(1) The state attorney general shall establish by October 1, 1991, an orderly, consistent process, including a checklist if appropriate, that better enables state agencies and local governments to evaluate proposed regulatory or administrative actions to assure that such actions do not result in an unconstitutional taking of private property. It is not the purpose of this section to expand or reduce the scope of private property protections provided in the state and federal Constitutions. The attorney general shall review and update the process at least on an annual basis to maintain consistency with changes in case law.

(2) Local governments that are required or choose to plan under RCW 36.70A.040 and state agencies shall utilize the process established by subsection (1) of this section to assure that proposed regulatory or administrative actions do not result in an unconstitutional taking of private property.

(3) The attorney general, in consultation with the Washington state bar association, shall develop a continuing education course to implement this section.

(4) The process used by government agencies shall be protected by attorney client privilege. Nothing in this section grants a private party the right to seek judicial relief requiring compliance with the provisions of this section.

(5) The requirements of this section do not apply to a county that has adopted a withdrawal resolution under RCW 36.70A.040(2)(b) and the cities within that county.

Sec. 14. RCW 36.70A.410 and 1993 c 478 s 23 are each amended to read as follows:

(1) No county or city that plans or elects to plan under this chapter may enact or maintain an ordinance, development regulation, zoning regulation or official control, policy, or administrative practice which treats a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals. As used in this section, "handicaps" are as defined in the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3602).

(2) This section does not apply to a county that has adopted a withdrawal resolution under RCW 36.70A.040(2)(b) and the cities within that county.

Sec. 15. RCW 36.70A.430 and 1994 c 258 s 2 are each amended to read as follows:

(1) For counties engaged in planning under this chapter, there shall be established by December 31, 1994, a collaborative process to review and coordinate state and local permits for all transportation projects that cross more than one city or county boundary. This process shall at a minimum, establish a mechanism among affected cities and counties to designate a permit coordinating agency to facilitate multijurisdictional review and approval of such transportation projects.

(2) The requirements of this section do not apply to a county that has adopted a withdrawal resolution under RCW 36.70A.040(2)(b) and the cities within that county.

Sec. 16. RCW 36.70A.520 and 2000 c 196 s 1 are each amended to read as follows:

Counties that are required or choose to plan under RCW 36.70A.040 may authorize and designate national historic towns that may constitute urban growth outside of urban growth areas as limited by this section. A national historic town means a town or district that has been designated a national historic landmark by the United States secretary of the interior pursuant to 16 U.S.C. 461 et seq., as amended, based on its significant historic urban features, and which historically contained a mix of residential and commercial or industrial uses.

A national historic town may be designated under this chapter by a county only if:

(1) The comprehensive plan specifically identifies policies to guide the preservation, redevelopment, infill, and development of the town;

(2) The comprehensive plan and development regulations specify a mix of residential, commercial, industrial, tourism-recreation, waterfront, or other historical uses, along with other uses, infrastructure, and services which promote the economic sustainability of the town and its historic character. To promote historic preservation, redevelopment, and an economically sustainable community, the town also may include the types of uses that existed at times during its history and is not limited to those present at the time of the historic designation. Portions of the town may include urban densities if they reflect density patterns that existed at times during its history;

(3) The boundaries of the town include all of the area contained in the national historic landmark designation, along with any additional limited areas determined by the county as appropriate for transitional uses and buffering. Provisions for transitional uses and buffering must be compatible with the town's historic character and must protect the existing natural and built environment under the requirements of this chapter within and beyond the additional limited areas, including visual compatibility. The comprehensive plan and development regulations must include restrictions that preclude new urban or suburban land uses in the vicinity of the town, including the additional limited areas, except in areas otherwise designated for urban growth under this chapter;

(4) The development regulations provide for architectural controls and review procedures applicable to the rehabilitation, redevelopment, infill, or new development to promote the historic character of the town;

(5) The county finds that the national historic town is consistent with the development regulations established for critical areas; and

(6) On-site and off-site infrastructure impacts are fully considered and mitigated concurrent with development.

A county may allocate a portion of its twenty-year population projection, prepared by the office of financial management, to the national historic town corresponding to the projected number of permanent residents within the national historic town.

This section does not apply to a county that has adopted a withdrawal resolution under RCW 36.70A.040(2)(b).

Sec. 17. RCW 36.70A.530 and 2004 c 28 s 2 are each amended to read as follows:

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(1) Military installations are of particular importance to the economic health of the state of Washington and it is a priority of the state to protect the land surrounding our military installations from incompatible development.

(2) Comprehensive plans, amendments to comprehensive plans, development regulations, or amendments to development regulations adopted under this section shall be adopted or amended concurrent with the scheduled update provided in RCW 36.70A.130, except that counties and cities identified in RCW 36.70A.130(4)(a) shall comply with this section on or before December 1, 2005, and shall thereafter comply with this section on a schedule consistent with RCW 36.70A.130(4).

(3) A comprehensive plan, amendment to a plan, a development regulation or amendment to a development regulation, should not allow development in the vicinity of a military installation that is incompatible with the installation's ability to carry out its mission requirements. A city or county may find that an existing comprehensive plan or development regulations are compatible with the installation's ability to carry out its mission requirements.

(4) As part of the requirements of RCW 36.70A.070(1) each county and city planning under RCW 36.70A.040 that has a federal military installation, other than a reserve center, that employs one hundred or more personnel and is operated by the United States department of defense within or adjacent to its border, shall notify the commander of the military installation of the county's or city's intent to amend its comprehensive plan or development regulations to address lands adjacent to military installations to ensure those lands are protected from incompatible development.

(5)(a) The notice provided under subsection (4) of this section shall request from the commander of the military installation a written recommendation and supporting facts relating to the use of land being considered in the adoption of a comprehensive plan or an amendment to a plan. The notice shall provide sixty days for a response from the commander. If the commander does not submit a response to such request within sixty days, the local government may presume that implementation of the proposed plan or amendment will not have any adverse effect on the operation of the installation.

(b) When a county or city intends to amend its development regulations to be consistent with the comprehensive plan elements addressed in (a) of this subsection, notice shall be provided to the commander of the military installation consistent with subsection (4) of this section. The notice shall request from the commander of the military installation a written recommendation and supporting facts relating to the use of land being considered in the amendment to the development regulations. The notice shall provide sixty days for a response from the commander to the requesting government. If the commander does not submit a response to such request within sixty days, the local government may presume that implementation of the proposed development regulation or amendment will not have any adverse effect on the operation of the installation.

(6) The requirements of this section do not apply to a county that has adopted a withdrawal resolution under RCW 36.70A.040(2)(b) and the cities within that county.

Sec. 18. RCW 36.70A.540 and 2009 c 80 s 1 are each amended to read as follows:

(1)(a) Any city or county planning under RCW 36.70A.040 may enact or expand affordable housing incentive programs providing for the development of low-income housing units through development regulations or conditions on rezoning or permit decisions, or both, on one or more of the following types of development: Residential; commercial; industrial; or mixed-use. An affordable housing incentive program may include, but is not limited to, one or more of the following:

(i) Density bonuses within the urban growth area;

(ii) Height and bulk bonuses;

(iii) Fee waivers or exemptions;

(iv) Parking reductions; or

(v) Expedited permitting.

(b) The city or county may enact or expand such programs whether or not the programs may impose a tax, fee, or charge on the development or construction of property.

(c) If a developer chooses not to participate in an optional affordable housing incentive program adopted and authorized under this section, a city, county, or town may not condition, deny, or delay the issuance of a permit or development approval that is consistent with zoning and development standards on the subject property absent incentive provisions of this program.

(2) Affordable housing incentive programs enacted or expanded under this section shall comply with the following:

(a) The incentives or bonuses shall provide for the development of low-income housing units;

(b) Jurisdictions shall establish standards for low-income renter or owner occupancy housing, including income guidelines consistent with local housing needs, to assist low-income households that cannot afford market-rate housing. Low-income households are defined for renter and owner occupancy program purposes as follows:

(i) Rental housing units to be developed shall be affordable to and occupied by households with an income of fifty percent or less of the county median family income, adjusted for family size;

(ii) Owner occupancy housing units shall be affordable to and occupied by households with an income of eighty percent or less of the county median family income, adjusted for family size. The legislative authority of a jurisdiction, after holding a public hearing, may establish lower income levels; and

(iii) The legislative authority of a jurisdiction, after holding a public hearing, may also establish higher income levels for rental housing or for owner occupancy housing upon finding that higher income levels are needed to address local housing market conditions. The higher income level for rental housing may not exceed eighty percent of the county area median family income. The higher income level for owner occupancy housing may not exceed one hundred percent of the county area median family income. These established higher income levels are considered "low-income" for the purposes of this section;

(c) The jurisdiction shall establish a maximum rent level or sales price for each low-income housing unit developed under the terms of a program and may adjust these levels or prices based on the average size of the household expected to occupy the unit. For renter-occupied housing units, the total housing costs, including basic utilities as determined by the jurisdiction, may not exceed thirty percent of the income limit for the low-income housing unit;

(d) Where a developer is utilizing a housing incentive program authorized under this section to develop market rate housing, and is developing low-income housing to satisfy the requirements of the housing incentive program, the low-income housing units shall be provided in a range of sizes comparable to those units that are available to other residents. To the extent practicable, the number of bedrooms in low-income units must be in the same proportion as the number of bedrooms in units within the entire development. The low-income units shall generally be distributed throughout the development and have substantially the same functionality as the other units in the development;

(e) Low-income housing units developed under an affordable housing incentive program shall be committed to continuing affordability for at least fifty years. A local government, however, may accept payments in lieu of continuing affordability. The program shall include measures to enforce continuing affordability and income standards applicable to low-income units constructed under this section that may include, but are not limited to, covenants, options, or other agreements to be executed and recorded by owners and developers;

(f) Programs authorized under subsection (1) of this section may apply to part or all of a jurisdiction and different standards may be applied to different areas within a jurisdiction or to different types of development. Programs authorized under this section may be modified to meet local needs and may include provisions not expressly provided in this section or RCW 82.02.020;

(g) Low-income housing units developed under an affordable housing incentive program are encouraged to be provided within developments for which a bonus or incentive is provided. However, programs may allow units to be provided in a building located in the general area of the development for which a bonus or incentive is provided; and

(h) Affordable housing incentive programs may allow a payment of money or property in lieu of low-income housing units if the jurisdiction determines that the payment achieves a result equal to or better than providing the affordable housing on-site, as long as the payment does not exceed the approximate cost of developing the same number and quality of housing units that would otherwise be developed. Any city or county shall use these funds or property to support the development of low-income housing, including support provided through loans or grants to public or private owners or developers of housing.

(3) Affordable housing incentive programs enacted or expanded under this section may be applied within the jurisdiction to address the need for increased residential development, consistent with local growth management and housing policies, as follows:

(a) The jurisdiction shall identify certain land use designations within a geographic area where increased residential development will assist in achieving local growth management and housing policies;

(b) The jurisdiction shall provide increased residential development capacity through zoning changes, bonus densities, height and bulk increases, parking reductions, or other regulatory changes or other incentives;

(c) The jurisdiction shall determine that increased residential development capacity or other incentives can be achieved within the identified area, subject to consideration of other regulatory controls on development; and

(d) The jurisdiction may establish a minimum amount of affordable housing that must be provided by all residential developments being built under the revised regulations, consistent with the requirements of this section.

(4) This section does not apply to a county that has adopted a withdrawal resolution under RCW 36.70A.040(2)(b) and the cities within that county."

Correct the title.

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

Representative Taylor spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Moeller presiding) divided the House. The result was 54 - YEAS; 40 - NAYS.

Amendment (787) 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 Kretz and Takko spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Van De Wege, Representative Hurst was excused. On motion of Representative Harris, Representative Hope was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1224.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1224, and the bill passed the House by the following vote: Yeas, 75; Nays, 19; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Christian, Clibborn, Cody, Condotta, Fagan, Farrell, Fey, Fitzgibbon, Freeman, G. Hunt, Green, Gregerson, Haigh, Haler, Hargrove, Harris, Hawkins, Hayes, Holy, Hunter, Johnson, Kirby, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, Moeller, Morrell, Moscoso, Muri, Nealey, Orcutt, Ortiz-Self, Orwall, Overstreet, Parker, Pettigrew, Pike, Riccelli, Roberts, Robinson, Rodne, Ross, S. Hunt, Santos, Schmick, Scott, Seaquist, Senn, Shea, Short, Smith, Springer, Stonier, Sullivan, Takko, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Warnick, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Carlyle, Chandler, Dunshee, Goodman, Habib, Hansen, Hudgins, Jinkins, Kagi, Lytton, Morris, Ormsby, Pollet, Reykdal, Ryu, Sawyer, Sells, Stanford and Tarleton.

Excused: Representatives Dahlquist, DeBolt, Hope and Hurst.

ENGROSSED HOUSE BILL NO. 1224, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2347, by Representatives Farrell, Hudgins, Carlyle, Wylie, Tarleton, Van De Wege, Bergquist, Tharinger, Pollet, Appleton, Kagi, Ryu, S. Hunt, Jinkins, Riccelli, Liias, Stanford, Reykdal, Roberts, Senn, Dunshee, Goodman, Freeman, Sawyer, Fey, Fitzgibbon, Green, Habib and Walkinshaw

Enhancing the safety of the transportation of oil.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2347 was substituted for House Bill No. 2347 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2347 was read the second time.

Representative Short moved the adoption of amendment (756).

On page 3, line 4, after "delivered" insert "crude"
On page 3, line 5, after "of" insert "crude"
On page 3, line 6, after "of" insert "crude"
On page 3, line 11, after "any" insert "crude"

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On page 3, line 12, after "railcar" insert ", if known by the facility"

On page 3, beginning on line 25, after "(3)(a)" strike all material through "information." on line 37 and insert: "Any person required to present information to the department pursuant to subsections (1) and (2) of this section may request that specific information be held in confidence. Information requested to be held in confidence is presumed to be confidential.

(b) Information presented to the department pursuant to subsections (1) and (2) of this section must be held in confidence by the department or aggregated to the extent necessary to ensure confidentiality if public disclosure of the specific information or data would result in an unfair competitive disadvantage to the person supplying the information.

(c)(i) Whenever the department receives a request to publicly disclose unaggregated information or otherwise proposes to publicly disclose confidential information submitted pursuant to this section, notice of the request or proposal must be provided to the person submitting the information. The notice must indicate the form in which the information is to be released. Upon receipt of notice, the person submitting the information has ten working days in which to respond to the notice to justify the claim of confidentiality on each specific item of information covered by the notice on the basis that public disclosure of the specific information would result in an unfair competitive disadvantage to the person supplying the information.

(ii) The department shall consider the respondent's submittal in determining whether to publicly disclose the information submitted to it to which a claim of confidentiality is made. The department shall issue a written decision that sets forth its reasons for making the determination whether each item of information for which a claim of confidentiality is made must remain confidential or must be publicly disclosed.

(iii) The department shall not publicly disclose information submitted to it pursuant to subsections (1) and (2) of this section within ten working days after the department has issued a written decision required in (c)(ii) of this subsection.

(iv) No information submitted to the department pursuant to subsections (1) and (2) of this section may be deemed confidential if the person submitting the information or data has made it public.

(v) With respect to information provided under subsections (1) and (2) of this section, neither the department nor any employee of the department may do any of the following:

(A) Use the information for any purpose other than the statistical purposes for which it is supplied;

(B) Make any publication whereby the information furnished by any particular establishment or individual can be identified; or

(C) Permit anyone other than department employees to examine the individual reports provided under subsections (1) and (2) of this section.

(d) Any confidential information pertinent to the responsibilities of the department that is obtained by another state agency must be available to the department and must be treated in a confidential manner.

(4) Nothing in this section limits or alters the ability of the department or other state agencies to collect information pursuant to other state or federal laws about the transportation or movement of oil."

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

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (756) was not adopted.

Representative Morris moved the adoption of amendment (786).

Beginning on page 9, line 30, after "**Sec. 8.**" strike all material through "spaces." on page 11, line 9 and insert the following:

"(1) The department of ecology must submit a report to the legislature by December 1, 2014. The report must include a recommendation on the merits of establishing additional tug escort requirements for oil tankers entering state waters.

(2) The additional tug escort requirements to be evaluated in the department of ecology's report must include:

(a) Whether there is a need for a second escort tug for oil tankers in waters where tug escort is already required by law;

(b) Whether there is a need for tug escorts for oil tankers in waters where there are not currently tug escort requirements; and

(c) Whether other tug escort requirements are needed for oil tankers entering state waters based on season, adverse weather conditions, and the type of oil being transported by the tanker as defined in RCW 90.56.010.

(3) In developing recommendations to include in the report, the department of ecology must:

(a) Seek the input of stakeholders, including maritime safety forums such as the Puget Sound, Grays Harbor, and lower Columbia region harbor safety committees;

(b) Consider the net benefits to navigational safety of any new tug escort requirements;

(c) Consider the data and findings of the 2014 vessel traffic risk assessment completed under the direction of the Puget Sound partnership and maritime experts in evaluating tug escort requirements for vessels in Puget Sound;

(d) Consider the data and findings of any draft or final risk assessment studies being performed for vessel traffic on the Columbia river; and

(e) Account for the differences between Puget Sound, Grays Harbor, and the Columbia river, including differences in the physical environment, vessel traffic, weather, and other relevant factors, and appropriately account for these unique local circumstances.

(4)(a) The department of ecology may adopt rules to require the escort of oil tankers by a tug or tugs in the areas listed in RCW 88.16.190(1) if either of the following events take place:

(i) The governor approves, after January 1, 2014, a recommendation of the energy facility site evaluation council pursuant to RCW 80.50.100 to certify a facility meeting the criteria listed in RCW 80.50.020(12) (d) or (f); or

(ii) A state agency or a local jurisdiction makes a final determination or issues a final permit after January 1, 2014, to:

(A) Site a new facility as defined by RCW 90.56.010 other than a transmission pipeline required to have a contingency plan pursuant to RCW 90.56.210; or

(B) Expand the oil receiving or refining capacity by more than fifteen thousand barrels per day of an existing facility as defined by RCW 90.56.010 other than a transmission pipeline required to have a contingency plan pursuant to RCW 90.56.210.

(b) The department of ecology may adopt rules to require the escort of oil tankers by a tug or tugs in the areas listed in RCW 88.16.190(1)(b)(ii) and (iii) if, after January 1, 2014, the state of Oregon or any local jurisdiction in Oregon makes a final determination or issues a final permit to:

(i) Site a new facility as defined by RCW 90.56.010 other than a transmission pipeline in the watershed of the Columbia river that would be required to have a contingency plan pursuant to RCW 90.56.210 if an identical facility were located in Washington; or

(ii) Expand the oil receiving or refining capacity by more than fifteen thousand barrels per day of an existing facility as defined by

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RCW 90.56.010 other than a transmission pipeline in the watershed of the Columbia river that would be required to have a contingency plan pursuant to RCW 90.56.210 if an identical facility were located in Washington.

(c) In adopting rules pursuant to this subsection, the department of ecology must fulfill the requirements in subsection (3)(a) through (e) of this section.

(d) The authority of the department of ecology to initiate rule making to adopt additional tug escort requirements for oil tankers pursuant to this section and RCW 88.16.190 expires January 1, 2020."

Correct the title.

Representative Morris moved the adoption of amendment (791) to the amendment (786).

On page 2, line 19 of the amendment, after "90.56.010" strike all material through "90.56.210" on line 20 and insert "required to have a contingency plan pursuant to RCW 90.56.210, other than:

(I) A transmission pipeline; or

(II) A facility that had a permitted receiving capacity of more than fifty thousand barrels of oil per day as of January 1, 2014"

Representatives Morris, Short and Fitzgibbon spoke in favor of the adoption of the amendment to the amendment.

Amendment (791) to the amendment (786) was adopted.

Representative Morris spoke in favor of the adoption of the amendment as amended.

Representative Short spoke against the adoption of the amendment as amended.

Amendment (786) as amended was adopted.

The bill was ordered engrossed.

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

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

Representative Short, Buys and Harris spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2347.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2347, and the bill passed the House by the following vote: Yeas, 57; Nays, 37; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Bergquist, Blake, Carlyle, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Freeman, Goodman, Green, Gregerson, Habib, Haigh, Hansen, Hudgins, Hunter, Jinkins, Kagi, Kirby, Kochmar, Lytton, Moeller, Morrell, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Pettigrew, Pollet, Reykdal, Riccelli, Roberts, Robinson, Ryu, S. Hunt, Santos, Sawyer, Seaquist, Sells, Senn, Stanford, Stonier, Sullivan, Takko, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Christian, Condotta, Fagan, G. Hunt, Haler, Hargrove, Harris, Hawkins, Hayes, Holy, Johnson, Klippert, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, Nealey, Orcutt, Overstreet, Parker, Pike, Rodne, Ross, Schmick, Scott, Shea, Short, Smith, Springer, Taylor, Vick, Walsh, Warnick and Wilcox.

Excused: Representatives Dahlquist, DeBolt, Hope and Hurst.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2347, 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 Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2235
HOUSE BILL NO. 2388
HOUSE BILL NO. 2459
HOUSE BILL NO. 2479
HOUSE BILL NO. 2523
HOUSE BILL NO. 2549

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

There being no objection, the House adjourned until 9:00 a.m., February 18, 2014, the 37th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

draft

1005
Second Reading 15
1005-S3
Second Reading 15
Amendment Offered 15
Third Reading Final Passage 16
1013
Third Reading 20
Third Reading Final Passage 21
1117-s
Other Action 21
1117-S
Second Reading 21
Amendment Offered 21
Third Reading Final Passage 24
1118
Second Reading 11
Third Reading Final Passage 11
1156
Second Reading 7
1156-S
Second Reading 7
Third Reading Final Passage 7
1171
Second Reading 16
1171-S
Second Reading 16
Third Reading Final Passage 16
1224
Second Reading 78
Amendment Offered 78
Third Reading Final Passage 86
1402
Second Reading 9
1402-S
Second Reading 9
Third Reading Final Passage 9
1620-S
Other Action 34
1643
Second Reading 30
1643-S
Second Reading 30
Amendment Offered 30
Third Reading Final Passage 32
1742
Second Reading 16
1742-S
Second Reading 16
Third Reading Final Passage 17
1773-S
Second Reading 5
1773-S2
Second Reading 5
Third Reading Final Passage 6
1820
Second Reading 7
1820-S
Second Reading 7
Amendment Offered 8
Third Reading Final Passage 8
1841-S
Third Reading 14
Third Reading Final Passage 15
1888
Second Reading 28

draft

1888-S2
Second Reading 28
Third Reading Final Passage 29
1960-S
Second Reading 53
1960-S2
Second Reading 53
Amendment Offered 53
Third Reading Final Passage 54
2125
Second Reading 54
2125-S
Second Reading 55
Third Reading Final Passage 55
2146
Second Reading 67
2146-S
Second Reading 68
Third Reading Final Passage 68
2149
Second Reading 76
2149-S2
Second Reading 76
Amendment Offered 76
Third Reading Final Passage 77
2150
Second Reading 17
2150-S
Second Reading 17
Third Reading Final Passage 17
2155
Second Reading 32
2155-S
Second Reading 32
Amendment Offered 32
Third Reading Final Passage 33
2163
Second Reading 34
2163-S2
Second Reading 34
Third Reading Final Passage 34
2168
Other Action 5
2169
Second Reading 17
Third Reading Final Passage 17
2171
Second Reading 34
2171-S
Second Reading 34
Third Reading Final Passage 34
2178
Second Reading 61
2178-S
Second Reading 61
Third Reading Final Passage 61
2196
Second Reading 56
2196-S
Second Reading 56
Third Reading Final Passage 57
2197
Second Reading 57
2197-S
Second Reading 57
Third Reading Final Passage 57

draft

2205
Second Reading 10
2205-S
Second Reading 11
Third Reading Final Passage 11
2208
Second Reading 62
Third Reading Final Passage 63
2225
Second Reading 65
Third Reading Final Passage 65
2229
Second Reading 69
2229-S
Second Reading 70
Third Reading Final Passage 70
2231
Second Reading 57
Third Reading Final Passage 57
2235
Other Action 88
2251
Second Reading 63
2251-S2
Second Reading 63
Third Reading Final Passage 64
2253
Second Reading 8
Third Reading Final Passage 8
2294
Second Reading 35
Third Reading Final Passage 35
2302
Second Reading 17
Third Reading Final Passage 18
2309
Second Reading 54
2309-S
Second Reading 54
Third Reading Final Passage 54
2315
Second Reading 26
2315-S
Second Reading 26
Amendment Offered 26
Third Reading Final Passage 26
2318
Second Reading 8
2318-S
Second Reading 8
Third Reading Final Passage 9
2339
Second Reading 52
2339-S
Second Reading 52
Third Reading Final Passage 52
2347
Second Reading 86
2347-S2
Second Reading 86
Amendment Offered 86
Third Reading Final Passage 88
2353
Second Reading 33
2353-S
Second Reading 33

draft

Amendment Offered 33
Third Reading Final Passage 33
2363
Second Reading 66
2363-S
Second Reading 66
Third Reading Final Passage 67
2371
Second Reading 57
2371-S
Second Reading 57
Third Reading Final Passage 58
2376
Second Reading 7
2376-s
Other Action 7, 24
2376-S
Second Reading 24
Second Reading 7
Amendment Offered 24
Third Reading Final Passage 24
2386
Second Reading 65
Third Reading Final Passage 65
2388
Other Action 88
2405
Second Reading 28
Third Reading Final Passage 28
2414
Second Reading 64
2414-S
Second Reading 64
Amendment Offered 64
Third Reading Final Passage 64
2420
Second Reading 18
2420-S
Second Reading 18
Third Reading Final Passage 18
2426
Second Reading 70
Third Reading Final Passage 70
Other Action 34
2430
Second Reading 25
2430-S
Second Reading 25
Third Reading Final Passage 26
2436
Second Reading 56
Third Reading Final Passage 56
2438
Second Reading 29
Third Reading Final Passage 29
2439
Second Reading 29
2439-S
Second Reading 29
Amendment Offered 29
Third Reading Final Passage 29
2440
Second Reading 9
Third Reading Final Passage 10
2442
Second Reading 55

draft

Amendment Offered 55
Third Reading Final Passage 56
2446
Second Reading 6
Third Reading Final Passage 7
2447
Second Reading 69
Amendment Offered 69
Third Reading Final Passage 69
2454
Second Reading 63
Other Action 34
2454-S
Second Reading 63
Third Reading Final Passage 63
2457
Second Reading 65
2457-S2
Second Reading 66
Third Reading Final Passage 66
2459
Other Action 88
2461
Second Reading 9
2461-S
Second Reading 9
Third Reading Final Passage 9
2463
Other Action 34
2463-S
Second Reading 68
Amendment Offered 68
Third Reading Final Passage 69
2479
Other Action 88
2481
Second Reading 27
2481-S
Second Reading 27
Third Reading Final Passage 27
2482
Second Reading 68
Third Reading Final Passage 68
Other Action 34
2493
Second Reading 61
2493-S2
Second Reading 62
Amendment Offered 62
Third Reading Final Passage 62
2523
Other Action 88
2524
Second Reading 70
2524-S
Second Reading 70
Amendment Offered 70
Third Reading Final Passage 76
2527
Second Reading 67
Amendment Offered 67
Third Reading Final Passage 67
2530
Second Reading 52
Third Reading Final Passage 53
2534

draft

Second Reading 11
Third Reading Final Passage 12
2549
Other Action 88
2552
Second Reading 54
2552-S
Second Reading 54
Third Reading Final Passage 54
2556
Second Reading 10
2556-S
Second Reading 10
Amendment Offered 10
Third Reading Final Passage 10
2567
Second Reading 18
2567-S
Second Reading 18
Third Reading Final Passage 18
2573
Second Reading 77
Third Reading Final Passage 77
2585
Second Reading 18
Third Reading Final Passage 19
2594
Second Reading 25
2594-S
Second Reading 25
Amendment Offered 25
Third Reading Final Passage 25
2598
Second Reading 19
Third Reading Final Passage 19
2617
Second Reading 14
Amendment Offered 14
Third Reading Final Passage 14
2618
Second Reading 26
Amendment Offered 26
Third Reading Final Passage 27
2624
Second Reading 66
2624-S
Second Reading 66
Third Reading Final Passage 66
2627
Second Reading 30
2627-S2
Second Reading 30
Third Reading Final Passage 30
2639
Second Reading 36
2639-S2
Second Reading 36
Amendment Offered 36
Third Reading Final Passage 52
2642
Second Reading 19
Third Reading Final Passage 20
2643
Second Reading 77
2643-S2
Second Reading 77

draft

Third Reading Final Passage 77
2646
Second Reading 6
Third Reading Final Passage 6
2647
Second Reading 6
Third Reading Final Passage 6
2674
Second Reading 35
Third Reading Final Passage 35
2675
Second Reading 12
2675-S
Second Reading 12
Third Reading Final Passage 12
2691
Second Reading 20
2691-S
Second Reading 20
Third Reading Final Passage 20
2698
Second Reading 62
2698-S
Second Reading 62
Third Reading Final Passage 62
2705
Second Reading 12
2705-S
Second Reading 12
Third Reading Final Passage 12
2706
Second Reading 27
2706-S
Second Reading 27
Third Reading Final Passage 28
2711
Second Reading 12
2711-S
Second Reading 13
Amendment Offered 13
Third Reading Final Passage 13
2718
Other Action 34
2733
Second Reading 64
Amendment Offered 64
Third Reading Final Passage 65
2741
Second Reading 35
Third Reading Final Passage 36
2744
Second Reading 20
Third Reading Final Passage 20
2752
Second Reading 13
Amendment Offered 13
Third Reading Final Passage 13
2759
Second Reading 32
2759-S
Second Reading 32
Amendment Offered 32
Third Reading Final Passage 32
2777
Second Reading 53
Third Reading Final Passage 53

draft

2788
Introduction & 1st Reading 2
2789
Introduction & 1st Reading 2
Second Reading 58
Amendment Offered 58
Third Reading Final Passage 61
Other Action 5
4677
Introduced 1
Adopted 1
5633
Introduction & 1st Reading 2
5973-S2
Introduction & 1st Reading 2
5977-S
Introduction & 1st Reading 2
5979
Introduction & 1st Reading 2
6016-S
Introduction & 1st Reading 2
6022
Introduction & 1st Reading 2
6040-S
Messages 1
6046-S
Introduction & 1st Reading 2
6058-S
Introduction & 1st Reading 2
6059
Messages 1
6062-S2
Introduction & 1st Reading 3
6076-S
Messages 1
6078-S
Introduction & 1st Reading 3
6095-S
Introduction & 1st Reading 3
6096-S2
Introduction & 1st Reading 3
6124-S
Messages 1
6128
Introduction & 1st Reading 3
6133
Messages 1
6137-S
Messages 1
6143
Messages 1
6145-S
Introduction & 1st Reading 3
6163-S2
Introduction & 1st Reading 3
6179-S
Introduction & 1st Reading 3
Messages 5
6181-S
Messages 5
6199-S
Messages 1
6201
Messages 1
6207-S
Introduction & 1st Reading 3

draft

6216-S
Introduction & 1st Reading 3
6219
Messages 1
6228-S
Messages 1
6250-S
Messages 1
6280-S
Introduction & 1st Reading 3
6290-S
Introduction & 1st Reading 4
6297-S
Introduction & 1st Reading 4
6299
Introduction & 1st Reading 4
6312-S2
Introduction & 1st Reading 4
6321
Introduction & 1st Reading 4
6330-S2
Introduction & 1st Reading 4
6358
Messages 1
6362-S
Messages 2
6387-S
Introduction & 1st Reading 4
6413
Messages 2
6431-S
Introduction & 1st Reading 4
6436-S
Messages 2
6439-S
Introduction & 1st Reading 4
6442-S
Introduction & 1st Reading 4
6446-S
Messages 2
6450-S
Introduction & 1st Reading 5
6479-S
Introduction & 1st Reading 5
6499-S
Messages 2
6512-S
Messages 2
6552-S2
Introduction & 1st Reading 5
HOUSE OF REPRESENTATIVES (Representative Moeller presiding)
Point of Parliamentary Inquiry Representative Lytton Requirement of two-thirds majority 76
Point of Parliamentary Inquiry Representative Lytton Requirement of two-thirds majortiy 27
Point of Personal Privilege Representative Wilcox 67
Statement for the Journal Representative Klippert 21
Statement for the Journal Representative Parker 69
HOUSE OF REPRESENTATIVES (Representative Orwall presiding)
Point of Personal Privilege Representative Wilcox 20
SPEAKER OF THE HOUSE (Representative Moeller presiding)
Speaker's Privilege 1

draft