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**SIXTIETH LEGISLATURE - REGULAR SESSION**

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**FIFTY FOURTH DAY**

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House Chamber, Olympia, Friday, March 7, 2008

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages D'Vante Jackson and Heidi Jamison. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Kenney.

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

**RESOLUTION**

**HOUSE RESOLUTION NO. 4689**, By Representatives Kessler, Van De Wege, Hankins and Bailey

WHEREAS, The Washington State Legislature recognizes the thirty-five years of strong and devoted service provided by former House and Senate member Paul Conner; and

WHEREAS, Mr. Conner, born in 1925, was a lifelong resident of the 24th District, residing in the Port Angeles and Sequim area; and

WHEREAS, Paul Conner was an orphan in his youth who was gratefully taken in by many families in the Port Angeles area; and

WHEREAS, Paul Conner has attributed the efforts of these families to his personal commitment to public service; and

WHEREAS, Paul Conner was first elected to the Senate in 1957 where he served the 24th District until 1959; and

WHEREAS, Paul Conner was then elected to the House of Representatives in 1958 to serve the 24th District from 1959 until 1977 as House Majority Whip, House Caucus Chairman, and Chairman of the House of Transportation Committee; and

WHEREAS, Paul Conner fell only one vote shy of being elected Speaker of the House of Representatives in the early 1970s; and

WHEREAS, Paul Conner was elected in 1977 to the Senate continuing his service to the 24th District until 1993; and

WHEREAS, Paul Conner was very passionate and very committed to transportation and natural resource issues in his district; and

WHEREAS, Paul Conner was amazingly successful in the battle to remove tolls on the Hood Canal Bridge, instrumental in the authorization of the year-round state ferry service between Port Townsend and Keystone, and in drafting a 29 million dollar salmon enhancement program; and

WHEREAS, Paul Conner was also legendary for his constituent work, sending out letters to constituents on their birthdays and combing through the newly distributed district phone books to call people he had not yet met; and

WHEREAS, Paul Conner was also famous for the postsession letters he would send to staff and lobbyists thanking them for their good works on his behalf, as well as on behalf of the state and its citizens; and

WHEREAS, Paul Conner worked in Port Angeles outside of his legislative position for Clallam County Public Utility District, and later as a longshoreman in the International Longshoremens Union Local 27; and

WHEREAS, In 2001 Mr. Conner was inducted into the Washington State Eagles Hall of Fame after many years of serving as a member and officer of the Fraternal Order of Eagles; and

WHEREAS, Paul Conner was a skilled statesman and inspirational leader; and

WHEREAS, In his passing on January 27, 2008, we all mourn the loss of Paul Conner and will miss his contributions to the entire state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, on behalf of the residents of the state of Washington, honor the service and devotion of all thirty-five years that Paul Conner contributed and extend its deepest condolences to his wife Thelma, his family, friends, and community; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to his wife Thelma, and the family and friends of Paul Conner.

Representative Kessler moved the adoption of the resolution.

Representatives Kessler, Smith and Van de Wege spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4689 was adopted.

**MESSAGES FROM THE SENATE**

March 6, 2008

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3012,  
 SUBSTITUTE HOUSE BILL NO. 3029,  
 HOUSE BILL NO. 3097,  
 SECOND SUBSTITUTE HOUSE BILL NO. 3104,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3123,  
 HOUSE BILL NO. 3151,  
 SUBSTITUTE HOUSE BILL NO. 3206,  
 HOUSE BILL NO. 3275,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 6, 2008

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1149,  
 SUBSTITUTE HOUSE BILL NO. 1421,  
 HOUSE BILL NO. 1923,  
 SUBSTITUTE HOUSE BILL NO. 2427,  
 SUBSTITUTE HOUSE BILL NO. 2496,  
 HOUSE BILL NO. 2637,  
 SUBSTITUTE HOUSE BILL NO. 2654,  
 HOUSE BILL NO. 2730,  
 SUBSTITUTE HOUSE BILL NO. 2778,  
 HOUSE BILL NO. 2792,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2815,  
 SUBSTITUTE HOUSE BILL NO. 2859,  
 HOUSE BILL NO. 2923,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 6, 2008

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5179,  
 SUBSTITUTE SENATE BILL NO. 5256,  
 SUBSTITUTE SENATE BILL NO. 6181,  
 SENATE BILL NO. 6183,  
 SENATE BILL NO. 6196,  
 SENATE BILL NO. 6216,  
 SUBSTITUTE SENATE BILL NO. 6224,  
 SENATE BILL NO. 6237,  
 SUBSTITUTE SENATE BILL NO. 6246,  
 SENATE BILL NO. 6267,  
 SENATE BILL NO. 6275,  
 SUBSTITUTE SENATE BILL NO. 6343,  
 SENATE BILL NO. 6369,  
 SENATE BILL NO. 6398,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6437,  
 SUBSTITUTE SENATE BILL NO. 6572,  
 ENGROSSED SENATE BILL NO. 6663,  
 SENATE BILL NO. 6677,  
 SUBSTITUTE SENATE BILL NO. 6710,  
 SENATE BILL NO. 6717,  
 SENATE BILL NO. 6740,  
 SENATE BILL NO. 6799,  
 SUBSTITUTE SENATE BILL NO. 6857,  
 SUBSTITUTE SENATE BILL NO. 6879,  
 SENATE BILL NO. 6885,

SENATE JOINT MEMORIAL NO. 8024,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

**SECOND READING**

**ENGROSSED SENATE BILL NO. 5751, By Senators Kohl-Welles, Hewitt and Rockefeller**

**Creating a wine and beer tasting pilot project in grocery stores.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce and Labor was adopted. (For Committee amendment, see Journal, 47th Day, February 29, 2008.)

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

Representatives Conway, Condotta, Williams, Walsh and Newhouse spoke in favor of the passage of the bill.

Representatives Pearson, Goodman, Dunn, Seaquist and O'Brien spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5751, as amended by the House.

**MOTIONS**

On motion of Representative Santos, Representative Eickmeyer was excused. On motion of Representative Schindler, Representatives Hailey, Skinner, Sump and Rodne were excused. With the consent of the House, Representative Campbell was excused.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5751, as amended by the House, and the bill passed the House by the following vote: Yeas - 51, Nays - 41, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Blake, Chandler, Clibborn, Cody, Condotta, Conway, DeBolt, Dickerson, Dunshee, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Hunter, Hurst, Jarrett, Kenney, Kessler, Kirby, Lias, Loomis, McCune, McIntire, Moeller, Morris, Newhouse,

Pettigrew, Rolfes, Ross, Schindler, Schmick, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, Upthegrove, Walsh, Warnick, Williams and Mr. Speaker - 51.

Voting nay: Representatives Ahern, Appleton, Barlow, Chase, Crouse, Darneille, Dunn, Eddy, Flannigan, Goodman, Hasegawa, Herrera, Hudgins, Hunt, Kagi, Kelley, Kretz, Kristiansen, Lantz, Linville, McCoy, McDonald, Miloscia, Morrell, Nelson, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Priest, Quall, Roach, Roberts, Santos, Seaquist, Smith, Takko, Van De Wege, Wallace and Wood - 41.

Excused: Representatives Campbell, Eickmeyer, Hailey, Rodne, Skinner and Sump - 6.

ENGROSSED SENATE BILL NO. 5751, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5831, By Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Franklin, Keiser and Murray)**

**Providing for the certification of heating, ventilation, air conditioning, and refrigeration contractors and mechanics. (REVISED FOR ENGROSSED: Creating the joint legislative task force on heating, ventilation, air conditioning, and refrigeration. )**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

With the consent of the House, amendments (1419), (1463) and (1420) were withdrawn.

Representative Conway moved the adoption of amendment (1518):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1)(a) A joint legislative task force on heating, ventilating, air conditioning, and refrigeration is established, with members as provided in this subsection.

(i) The chair and ranking minority member of the senate labor, commerce, research and development committee;

(ii) The chair and ranking minority member of the house commerce and labor committee;

(iii) Four members representing the heating, ventilating, air conditioning, and refrigeration industry, selected from nominations submitted by statewide business organizations representing a cross-section of industries and appointed jointly by the president of the senate and the speaker of the house of representatives; and

(iv) Four members representing labor, selected from nominations submitted by statewide labor organizations representing a cross-section of industries and appointed jointly by the president of the senate and the speaker of the house of representatives.

(b) In addition, the department of labor and industries shall cooperate with the joint legislative task force and maintain a liaison representative, who shall be a nonvoting member. The department shall cooperate with the joint legislative task force and provide information as the joint legislative task force may reasonably request.

(c) The joint legislative task force shall choose its chair from among its membership.

(2) The joint legislative task force shall review the following:

(a) Requirements for registering, certifying, and licensing heating, ventilating, air conditioning, and refrigeration mechanics;

(b) Methods of registering or licensing contractors who qualify for two or more registrations or licenses;

(c) Levels of mechanic certification and types of mechanic specialties;

(d) On-the-job experience requirements for levels of mechanic certification;

(e) Methods by which apprentices and other persons learning to perform heating, ventilating, air conditioning, and refrigeration work obtain trainee certificates;

(f) Exemptions to registration, certification, and licensing requirements;

(g) Implementation of chapter 18.-- RCW (the new chapter created in section 40 of this act); and

(h) Such other factors the joint legislative task force deems necessary.

(3) Legislative members of the joint legislative task force shall 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.

(4) The expenses of the joint legislative task force shall be paid jointly by the senate and the house of representatives.

(5) The joint legislative task force shall report its findings and recommendations to the legislature by January 1, 2009.

(6) This section expires July 1, 2009.

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

(1) "Applicant" means a person who has submitted the appropriate form or forms to be considered for an HVAC/R mechanic certificate, a temporary HVAC/R mechanic certificate, a trainee certificate, or an HVAC/R operator certificate, as required by the department.

(2) "Board" means the HVAC/R board established in section 28 of this act.

(3) "Boiler" means a closed vessel in which water is heated, steam is generated, steam is superheated, or a combination thereof, under pressure or vacuum by the application of heat, electricity, or nuclear energy. "Boiler" also includes fired units for heating or vaporizing liquids other than water where these systems are complete within themselves.

(4) "BTUH" means British thermal units per hour.

(5) "Certified HVAC/R mechanic" means a person who has been issued a valid HVAC/R mechanic certificate under section 17 of this act.

(6) "Certified specialty mechanic" means a person who has been issued one or more valid specialty mechanic certificates under section 17 of this act.

(7) "CFM" means cubic feet per minute.

(8) "Department" means the department of labor and industries.

(9) "Director" means the director of the department or the director's designee.

(10) "Gas company" has the same meaning as in RCW 80.04.010.

(11) "Gas company service piping" means gas piping that is owned by or under the control of a gas company and used for transmission or distribution of fuel to the point of contact at the premises or property supplied or to be supplied, including service connections, meters, or other apparatus or appliance used in the measurement of the consumption of fuel by the customer. For the purposes of this subsection, "point of contact" means the outlet of the meter or the connection to the customer's gas piping, whichever is farther downstream.

(12) "Gas piping" means pipes, valves, or fittings used to convey fuel gas installed on a premise or in a building. "Gas piping" does not include gas company service piping or any gas piping used directly in the generation of electricity by an electric utility or a commercial-scale nonutility generator of electricity.

(13) "Gas piping work" means to install, replace, or service gas piping and venting related to gas piping. Solely for accruing hours of HVAC/R work, "gas piping" also means to design, fabricate, and construct gas piping and venting related to gas piping.

(14) "Hearth products" means any fuel gas or oil-fueled appliance that has a visual presence in a living space of a residence or any outdoor fuel gas barbecue or fireplace that is listed to the appropriate underwriters laboratories, American national standards institute, or ASTM international product safety standard.

(15) "Hours of HVAC/R work" means any combination of accrued hours of HVAC/R work performed while:

(a) Employed by an HVAC/R contractor or a person exempt from the requirements of chapter 18.27 RCW, chapter 19.28 RCW, or this chapter;

(b) Employed by a registered or licensed general or specialty contractor, or the equivalent, in another state or country; or

(c) Serving in the United States armed forces.

(16) "HVAC" means heating, ventilating, and air conditioning.

(17)(a) "HVAC equipment and systems" means equipment necessary for any system that heats, cools, conditions, ventilates, filters, humidifies, or dehumidifies environmental air for residential, industrial, or commercial use, including all related ventilation and ducting systems.

(b) "HVAC equipment and systems" does not include: (i) Solid fuel burning devices, such as wood stoves and coal stoves; (ii) gas company service piping; (iii) gas piping other than that necessary to deliver fuel; or (iv) boilers.

(18) "HVAC work" means to install, replace, service, test, or adjust and balance HVAC equipment and systems. Solely for accruing hours of HVAC/R work, "HVAC work" also means to design, fabricate, and construct HVAC equipment and systems.

(19) "HVAC/R" means heating, ventilating, air conditioning, and refrigeration.

(20) "HVAC/R contractor" means any person who:

(a) Advertises for, offers to perform, submits a bid for, or performs any HVAC/R work covered by the provisions of this chapter;

(b) Employs anyone, or offers or advertises to employ anyone, to perform any HVAC/R work that is subject to the provisions of this chapter; or

(c) Is registered under section 3(1)(b) of this act.

(21) "HVAC/R equipment and systems" means HVAC equipment and systems, refrigeration systems, and gas piping.

(22) "HVAC/R mechanic certificate" means any of the certificates identified under section 8 of this act.

(23) "HVAC/R operator certificate" means the certificate identified under section 11 of this act.

(24) "HVAC/R work" means all HVAC work, refrigeration work, and gas piping work not otherwise exempted by this chapter.

(25) "Person" or "company," used interchangeably throughout this chapter, means any individual, corporation, partnership, limited partnership, organization, or any other entity whatsoever, whether public or private.

(26) "Property management company" means a company that is operating in compliance with state real estate licensing rules and is under contract with a property owner to manage the buildings.

(27) "Refrigeration system" means a combination of interconnected refrigerant-containing parts constituting one closed refrigerant circuit in which a refrigerant is circulated for the purpose of extracting heat and includes systems in which a secondary coolant, cooled or heated by the refrigeration system, is circulated to the air or other substance to be cooled or heated.

(28) "Refrigeration work" means to design, fabricate, construct, install, replace, or service refrigeration systems. Solely for accruing hours of HVAC/R work, "refrigeration work" also means to design, fabricate, and construct refrigeration systems.

(29) "Service" means to repair, modify, or perform other work required for the normal continued performance of HVAC/R equipment and systems.

(30) "Specialty certificate" means any of the certificates identified under section 7 of this act.

(31) "Technical college" means a public community or technical college, or a not-for-profit nationally accredited technical or trade school licensed by the workforce training and education coordinating board under chapter 28C.10 RCW.

(32) "Temporary certificate" means any of the certificates issued under section 9 of this act.

(33) "Trainee" means a person who has been issued a trainee certificate by the department under section 10 of this act.

(34) "Trainee certificate" means any certificate issued under section 10 of this act.

(35) "Valid" means not expired, revoked, or suspended.

**NEW SECTION. Sec. 3. CONTRACTOR REGISTRATION--CONCURRENT REGISTRATION--REQUIREMENTS.** (1) Except as provided in this chapter, it is unlawful for:

(a) Any person to engage in business as an HVAC/R contractor, within the state, without having been issued a valid registration as a contractor under chapter 18.27 RCW;

(b) Any person, on or after July 1, 2009, to engage in business as an HVAC/R contractor, within the state, without having been issued a valid registration as an HVAC/R contractor from the department; and

(c) Any person, on and after July 1, 2010, to employ a person to perform or offer to perform HVAC/R work who has not been issued a valid HVAC/R mechanic certificate, specialty certificate, temporary HVAC/R mechanic certificate, trainee certificate, or HVAC/R operator certificate issued by the department under this chapter.

(2) The department shall prescribe an application form to be used to apply for an HVAC/R contractor registration under this chapter, and shall ensure that the person applying for an HVAC/R contractor registration is also a registered general or specialty contractor under chapter 18.27 RCW before it issues that person an HVAC/R contractor registration.

(3) For a person who may be issued two or more registrations or licenses provided for in chapter 18.27 RCW, chapter 19.28 RCW, or this chapter, the department shall establish on or before July 1, 2011, a single registration/licensing document. The document shall list all of the person's registrations and licenses.

(4) Regardless of when the HVAC/R contractor registration is issued, it shall become suspended, revoked, expired, or renewed at the same time as the registration issued under chapter 18.27 RCW.

(5) No bond or security in addition to that required of contractors under chapter 18.27 RCW shall be required of an HVAC/R contractor under this chapter.

(6) This section does not apply to:

(a) A person who is contracting for HVAC/R work on his or her own residence;

(b) A person whose employees perform only HVAC/R work exempted under section 5 of this act; or

(c) A person who is specifically exempted under RCW 18.27.090 from contractor registration requirements.

**NEW SECTION. Sec. 4. CERTIFICATE REQUIRED--LOCAL PREEMPTION.** (1) Except as provided in this chapter, it is unlawful for any person, on and after July 1, 2010, to perform or offer to perform HVAC/R work without having been issued a valid HVAC/R mechanic certificate, specialty certificate, temporary HVAC/R mechanic certificate, or trainee certificate under this chapter.

(2) Except as provided in section 5(1)(o) of this act, no political subdivision of the state shall require a person possessing a valid HVAC/R certificate, specialty certificate, temporary HVAC/R mechanic certificate, trainee certificate issued by the department under this chapter, or any person who is exempted under this chapter to demonstrate any additional proof of competency in, obtain any license for, or pay any fee to perform HVAC/R work in that political subdivision.

**NEW SECTION. Sec. 5. EXEMPTIONS FROM CERTIFICATION.** (1) The provisions of section 4(1) of this act do not apply to a person:

(a) Cleaning or replacing air filters, lubricating bearings, replacing fan belts, cleaning evaporators or condensers, cleaning cooling towers, or equipment logging on any HVAC/R equipment or systems;

(b) Performing HVAC/R work on HVAC/R equipment or systems that: (i) Contain six pounds or less of any refrigerant and is actuated by a motor or engine having a standard rating of one-quarter horsepower or less; or (ii) are an absorption system that has a rating of one-quarter ton or less refrigeration effect;

(c) Setting oil tanks and related piping to a furnace;

(d) Setting propane tanks and related piping outside a building;

(e) Performing gas piping work on a fuel burning appliance with a maximum capacity of five hundred thousand BTUH while holding a valid journeyman plumber certificate issued under chapter 18.106 RCW or a valid specialty plumber certificate issued under chapter 18.106 RCW for performing services in RCW 18.106.010(10)(a);

(f) Performing HVAC/R work at his or her residence, farm, place of business, or on other property owned by him or her, unless

the HVAC/R work is performed in the construction of a new building intended for rent, sale, or lease;

(g) Performing HVAC/R work on his or her own property or to regularly employed persons working on the premises of their employer, unless the HVAC/R work is performed in the construction of a new building intended for rent, sale, or lease. However, in a city with a population of five hundred thousand or more, it is unlawful for any person to perform or offer to perform the scope of work described in section 11(3) of this act without having been issued a valid HVAC/R operator certificate under this chapter;

(h) Performing HVAC/R work for or on behalf of a gas company when such work is (i) incidental to the business of delivering fuel gas to the premises or (ii) performed pursuant to any tariff on file with the state utilities and transportation commission;

(i) Licensed under chapter 18.08 or 18.43 RCW who is designing HVAC/R equipment or systems, but who is not otherwise performing HVAC/R work;

(j) Making a like-in-kind replacement of a household appliance;

(k) Installing wood or pellet stoves, including directly related venting such as a chimney or flue;

(l) Performing minor flexible ducting repairs in a single-family residential structure;

(m) Performing cleaning, repair, or replacement of fuel oil filters and nozzles of an oil heat burner assembly;

(n) Making like-in-kind replacement of an oil heat furnace in a single-family residential structure and the associated fittings necessary to connect the replacement oil heat furnace to existing ductwork in a single-family residential structure; or

(o) Installing, replacing, and servicing hearth products. As used in this subsection, "installing and replacing" means removing and setting the hearth product pursuant to manufacturer instructions and specifications, connecting a hearth product with or disconnecting the hearth product from an approved flexible gas supply line not to exceed thirty-six inches in length, and installing or uninstalling venting that is directly related to the hearth product and that has been provided in the same packaging of the hearth product by the manufacturer.

(2) Nothing in this section precludes any person who is exempted under this section from obtaining an HVAC/R mechanic certificate, specialty certificate, temporary HVAC/R mechanic certificate, trainee certificate, or HVAC/R operator certificate if they otherwise meet the requirements of this chapter.

**NEW SECTION. Sec. 6. TEMPORARY EXEMPTION FROM CERTIFICATION.** (1) Except for persons performing refrigeration work in a city with a population of five hundred thousand or more, the provisions of section 4(1) of this act do not apply to a person performing refrigeration work on a refrigeration system:

(a) Using only class A1 refrigerants;

(b) Used primarily for the refrigeration of food products; and

(c) Physically located in an establishment whose North American industry classification system code is within "445."

(2) Nothing in this section precludes any person exempted under this section from obtaining any of the certificates provided for in this chapter if he or she otherwise meets the requirements of this chapter.

(3) This section expires June 30, 2013.

**NEW SECTION. Sec. 7. SPECIALTY CERTIFICATES--SCOPE OF WORK.** The department may issue the following specialty certificates to an applicant who has successfully met the requirements under this chapter for a specialty certificate, and the

scope of work that may be performed by a person under each of the specialty certificates is as follows:

(1) Gas piping specialty mechanic I/II. A person issued a gas piping specialty mechanic I/II certificate may perform gas piping work on a fuel burning appliance with a maximum capacity of five hundred thousand BTUH.

(2) Refrigeration specialty mechanic I. A person issued a refrigeration specialty mechanic I certificate may perform refrigeration work on a refrigeration system that contains less than thirty pounds of class A1 refrigerants.

(3) HVAC specialty mechanic I. A person issued an HVAC specialty mechanic I certificate may perform HVAC work on HVAC equipment and systems of seven and one-half tons or less or HVAC equipment and systems of three thousand three hundred seventy-five CFM or less.

(4) Refrigeration specialty mechanic II. A person issued a refrigeration specialty mechanic II certificate may perform refrigeration work on a refrigeration system that contains less than seventy pounds of class A1 refrigerants.

(5) HVAC specialty mechanic II. A person issued an HVAC specialty mechanic II certificate may perform:

(a) HVAC work authorized to be performed by an HVAC specialty mechanic I; and

(b) HVAC work on HVAC equipment and systems of twenty tons or less or HVAC equipment and systems of nine thousand CFM or less.

(6) Gas piping specialty mechanic III. A person issued a gas piping specialty mechanic III certificate may perform all gas piping work on any fuel burning appliance.

(7) Refrigeration specialty mechanic III. A person issued a refrigeration specialty mechanic III certificate may perform refrigeration work on any refrigeration system using any refrigerant.

(8) HVAC specialty mechanic III. A person issued an HVAC specialty mechanic III certificate may perform all HVAC work on HVAC equipment and systems.

**NEW SECTION. Sec. 8. HVAC/R MECHANIC CERTIFICATES--SCOPE OF WORK.** The department may issue the following HVAC/R mechanic certificates to an applicant who has successfully met the requirements under this chapter for an HVAC/R certificate, and the scope of work that may be performed by a person under each of the HVAC/R mechanic certificates is as follows:

(1) HVAC/R mechanic I. A person issued an HVAC/R mechanic I certificate may perform:

(a) Gas piping work authorized to be performed by a gas piping specialty mechanic I/II;

(b) Refrigeration work authorized to be performed by a refrigeration specialty mechanic I; and

(c) HVAC work authorized to be performed by an HVAC specialty mechanic I.

(2) HVAC/R mechanic II. A person issued an HVAC/R mechanic II certificate may perform:

(a) Gas piping work authorized to be performed by a gas piping specialty mechanic I/II;

(b) Refrigeration work authorized to be performed by a refrigeration specialty mechanic II; and

(c) HVAC work authorized to be performed by an HVAC specialty mechanic II.

(3) HVAC/R mechanic III. A person issued an HVAC/R mechanic III certificate may perform:

(a) Gas piping work authorized to be performed by a gas piping specialty mechanic III;

(b) Refrigeration work authorized to be performed by a refrigeration specialty mechanic III; and

(c) HVAC work authorized to be performed by an HVAC specialty mechanic III.

**NEW SECTION. Sec. 9. TEMPORARY HVAC/R CERTIFICATE--APPLICATION--EXAMINATION REQUIRED.**

(1) On and after July 1, 2010, a person who has performed HVAC/R work in other states or countries may, in a form and manner prescribed by the department, apply for a temporary HVAC/R mechanic certificate to perform HVAC/R work in this state. The application shall contain evidence of the person's hours of HVAC/R work in the other states or countries that is verifiable by the department.

(2) Upon review of the application provided in subsection (1) of this section, the department may:

(a) If the applicant has accrued less than two thousand hours of HVAC/R work, not issue a temporary HVAC/R mechanic certificate;

(b) If the applicant has accrued two thousand hours or more, but less than four thousand hours of HVAC/R work, issue a temporary HVAC/R mechanic I certificate;

(c) If the applicant has accrued four thousand hours or more, but less than eight thousand hours of HVAC/R work, issue a temporary HVAC/R mechanic II certificate; or

(d) If the applicant has accrued eight thousand hours or more of HVAC/R work, issue a temporary HVAC/R mechanic III certificate.

(3) The temporary HVAC/R mechanic certificate issued under this section shall clearly indicate on the document that it is temporary in nature and contain the period for which it is valid.

(4) A person issued a temporary HVAC/R mechanic certificate shall have that certificate in his or her possession when performing any HVAC/R work and shall show the certificate to any authorized representative of the department upon request.

(5) A person issued a temporary HVAC/R mechanic certificate under this section may only perform the scope of work authorized under section 8 of this act for the equivalent HVAC/R mechanic certificate and may not supervise any person with a trainee certificate issued under this chapter.

(6) A temporary HVAC/R mechanic certificate issued under this section shall be valid for ninety days from the date the department issues a certificate or until the date the department furnishes to the applicant the results of their examination for the equivalent HVAC/R mechanic certificate, whichever is later. The applicant must take the examination provided under this chapter for the equivalent HVAC/R mechanic certificate within the ninety-day period granted under this subsection.

**NEW SECTION. Sec. 10. TRAINEE CERTIFICATE.** (1) A person may, in a form and manner prescribed by the department, apply for a trainee certificate to perform HVAC/R work in the state.

(2) Upon receipt of the application, the department shall issue a trainee certificate to the applicant.

(3) The HVAC/R work performed under a trainee certificate issued pursuant to this section must be:

(a) Within the scope of work authorized under that certificate;

(b) On the same job site and under the direction of an appropriately certified HVAC/R mechanic or an appropriately certified specialty mechanic; and

(c) Under the applicable supervision ratios required in section 18 of this act.

(4) A trainee shall have his or her certificate in his or her possession when performing any HVAC/R work and shall show the

certificate to any authorized representative of the department upon request.

(5) A trainee certificate shall be valid for a maximum of two years from the date of issuance. The certificate shall include the expiration date.

(6) The department may only renew a training certificate when the trainee provides the department with:

(a) An accurate list of the persons who employed the trainee in HVAC/R work for the previous two-year period and the number of hours of HVAC/R work performed under each employer; and

(b) Evidence that the trainee has met the continuing education requirements in section 20 of this act.

(7) If a person applies for a trainee certificate under this section and electrical trainee status under chapter 19.28 RCW, the department shall create, on or before July 1, 2011, a single document for that person that represents this concurrent trainee status.

(8) A trainee who has not successfully passed any portion of the examinations provided for in section 14 of this act is prohibited from performing HVAC/R work in excess of two thousand hours beyond the amount of hours required to become eligible under the requirements of section 15(2)(c) of this act to take the examination for an HVAC/R mechanic III certificate.

**NEW SECTION. Sec. 11. HVAC/R OPERATOR CERTIFICATION.** (1) An HVAC/R operating engineer may, in a form and manner prescribed by the department, apply for an HVAC/R operator certificate. For the purposes of this subsection, "HVAC/R operating engineer" means a full-time employee who spends a substantial portion of time in the maintenance and operation of HVAC/R equipment and systems in a building, or portion thereof, used for occupant comfort, manufacturing, processing, or storage of materials or products including, but not limited to, chemicals, food, candy, and ice cream factories, ice-making plants, meat packing plants, refineries, perishable food warehouses, hotels, hospitals, restaurants, and similar occupancies and equipped with a refrigeration system and whose duty it is to operate, maintain, and keep safe and in serviceable condition all of the employer's HVAC/R equipment and systems.

(2) The department may issue an HVAC/R operator certificate to an applicant who has successfully passed the examination provided for in subsection (8) of this section.

(3) The scope of work that may be performed by a person under an HVAC/R operator certificate is as follows:

(a) Cleaning or replacing air filters, lubricating bearings, replacing fan belts, cleaning evaporators or condensers, cleaning cooling towers, or equipment logging on any HVAC/R equipment or systems; or

(b) Performing minor HVAC/R equipment and systems repair and HVAC/R work on sealed HVAC/R equipment and systems.

(4) A person who performs HVAC/R work on HVAC/R equipment or systems that: (a) Contain six pounds or less of any refrigerant and is actuated by a motor or engine having a standard rating of one-quarter horsepower or less; or (b) are an absorption system that has a rating of one-quarter ton or less refrigeration effect, is not required to obtain a certificate under this section.

(5) Any person issued a valid refrigeration operating engineer license by the city of Seattle shall be issued an HVAC/R operator certificate without meeting any additional requirements.

(6) A person issued a valid HVAC/R operator certificate under this section shall have his or her certificate in his or her possession when performing any HVAC/R work and shall show the certificate to any authorized representative of the department upon request.

(7) An HVAC/R operator certificate issued under this section shall be valid for a maximum of three years and shall expire on the holder's birthdate. The certificate shall include the expiration date.

(8) The department shall develop an examination that an applicant must pass before they can be issued an HVAC/R operator certificate under this section. The exam shall be comparable to the current refrigeration operating engineer license test used by the city of Seattle.

(9) The hours accrued as an HVAC/R operating engineer under this section may accrue towards the hours required to be eligible to take an examination for an HVAC/R mechanic certificate under section 15 of this act only if the HVAC/R operating engineer is supervised by an appropriately certified HVAC/R mechanic or appropriately supervised specialty mechanic and was issued a trainee certificate under section 10 of this act.

**NEW SECTION. Sec. 12. HVAC/R MECHANIC CERTIFICATION WITHOUT EXAMINATION.** (1) From July 1, 2009, until June 30, 2010, a person who has performed HVAC/R work may, in a form and manner prescribed by the department, apply for an HVAC/R mechanic certificate without examination. The application shall contain evidence of the person's hours of HVAC/R work or other required information that is verifiable by the department.

(2) Upon review of the application provided in subsection (1) of this section, the department shall:

(a) If the applicant has, since January 1, 1988, accrued less than two thousand hours of HVAC/R work, not issue any HVAC/R mechanic certificate;

(b) If the applicant has, since January 1, 1988, accrued two thousand hours or more, but less than four thousand hours of HVAC/R work, issue an HVAC/R mechanic I certificate;

(c) If the applicant has, since January 1, 1988, accrued four thousand hours or more, but less than eight thousand hours of HVAC/R work, issue an HVAC/R mechanic II certificate; or

(d) If the applicant has, since January 1, 1988:

(i) Accrued eight thousand hours or more of HVAC/R work;

(ii) Completed an appropriately related apprenticeship program approved under chapter 49.04 RCW; or

(iii) Completed an appropriately related apprenticeship program in another state or country equivalent to that provided in chapter 49.04 RCW, issue an HVAC/R mechanic III certificate.

(3) Once the appropriate level of HVAC/R mechanic certificate is issued to a person under this section, that person shall become subject to the other provisions of this chapter for any additional certifications.

(4) This section expires July 1, 2010.

**NEW SECTION. Sec. 13. SPECIALTY CERTIFICATION WITHOUT EXAMINATION.** (1) From July 1, 2009, until June 30, 2010, a person who has performed HVAC/R work may, in a form and manner prescribed by the department, apply for specialty certificates without examination. The application shall contain evidence of the person's hours of HVAC/R work or other required information that is verifiable by the department.

(2) Upon review of the application provided in subsection (1) of this section, the department shall:

(a) If the applicant holds a valid journey refrigeration mechanic license issued by the city of Seattle, issue a refrigeration specialty mechanic III certificate and an HVAC specialty mechanic III certificate;

(b) If the applicant has, since January 1, 1988, accrued one thousand hours of gas piping work, issue a gas piping specialty mechanic I/II certificate;

(c) If the applicant was licensed in any local jurisdiction to perform gas piping work on a fuel burning appliance with a maximum capacity of five hundred thousand BTUH or less, issue a gas piping specialty mechanic I/II certificate; and

(d) If the applicant was licensed in any local jurisdiction to perform all gas piping work on any fuel burning appliance, issue a gas piping specialty mechanic III certificate.

(3) The specialty certificates provided for in subsection (2) of this section shall be in addition to any HVAC/R mechanic certificate issued by the department under section 12 of this act.

(4) Once the appropriate level of specialty certificate is issued to a person under this section, that person shall become subject to the other provisions of this chapter for any additional certifications.

(5) This section expires July 1, 2010.

**NEW SECTION. Sec. 14. EXAMINATION.** (1) The department, with advice from the board, shall prepare three separate examinations for the assessment of each level of HVAC/R mechanic certification created in section 8 of this act. Within each examination, there shall be a distinct portion that assesses the competency of the applicant in the appropriate level of gas piping work, refrigeration work, and HVAC work. The department shall adopt rules necessary to implement this section.

(2) The examinations provided for under this section shall be constructed to determine:

(a) Whether the applicant possesses general knowledge of the technical information and practical procedures that are identified within the relevant scope of work; and

(b) Whether the applicant is familiar with the applicable laws and administrative rules of the department pertaining to the relevant scope of work.

(3) The department, with advice from the board, may enter into a contract with a professional testing agency to develop, administer, and score the examinations provided for in this section. The department may set the examination fee by contract with the professional testing agency. However, the examination fee the department charges must cover, but not exceed, the costs of preparing and administering the examination.

(4) The department must administer, at least four times annually, each examination provided under this section to applicants who are eligible for examination under this chapter.

(5) The department must certify the results of each examination administered under this section upon the terms and after such a period of time as the department, with the advice of the board, deems necessary and proper.

(6) A person may be given the appropriate level of examination they are eligible to take as many times as necessary without limit. However, each time an examination is given, the applicant must first pay the required examination fee.

(7) The department, with the advice of the board, may adopt policies and procedures to make examinations available in alternative languages or formats to accommodate all applicants who are eligible for examination under this chapter.

**NEW SECTION. Sec. 15. APPLICATION FOR EXAMINATION--ELIGIBILITY.** (1) A person with a valid temporary HVAC/R mechanic certificate or trainee certificate may, in a form and manner prescribed by the department, apply for any of the examinations provided for in section 14 of this act. The

application shall contain evidence of the person's hours of HVAC/R work or other required information that is verifiable by the department.

(2) Upon receipt of an application for examination under this section, the department shall review the application and determine whether the applicant is eligible to take an examination for an HVAC/R mechanic certificate using the following criteria:

(a) HVAC/R mechanic I certificate. To be eligible to take the examination for an HVAC/R mechanic I certificate, the applicant must have:

(i) Performed a minimum of one thousand hours of HVAC/R work and the entire amount of those hours must be supervised;

(ii) Performed two thousand hours of HVAC/R work and seventy-five percent of those hours must be supervised; or

(iii) Successfully completed an appropriately related apprenticeship program approved under chapter 49.04 RCW that meets the requirements of this level of certification.

(b) HVAC/R mechanic II certificate. To be eligible to take the examination for an HVAC/R mechanic II certificate, the applicant must have:

(i) Performed a minimum of four thousand hours of HVAC/R work and seventy-five percent of those hours must be supervised; or

(ii) Successfully completed an appropriately related apprenticeship program approved under chapter 49.04 RCW that meets the requirements of this level of certification.

(c) HVAC/R mechanic III certificate. To be eligible to take the examination for an HVAC/R mechanic III certificate, the applicant must have:

(i) Performed under appropriate supervision levels the amount of HVAC/R work required for an HVAC/R mechanic II certificate under (b)(i) of this subsection plus an additional two thousand hours and the entire amount of the additional hours required under this subsection must be supervised;

(ii) Performed HVAC/R work for a minimum of eight thousand hours and seventy-five percent of those hours must be supervised; or

(iii) Successfully completed an appropriately related apprenticeship program under chapter 49.04 RCW that meets the requirements of this level of certification.

(3) For the purposes of this section, "supervised" means:

(a) A person has performed HVAC/R work on the same job site and under the direction of an appropriately certified HVAC/R mechanic or an appropriately certified specialty mechanic; and

(b) The appropriate supervision ratios required in section 18 of this act were followed.

(4) If any of an applicant's certificates issued prior to the current application have been revoked, the department may deny the current application for up to two years.

(5) Upon determining that the applicant is eligible to take an examination under this section, the department shall so notify the applicant, indicating the time and place for taking the examination.

(6) Work hours being accrued by an applicant as hours of HVAC/R work under this chapter or towards electrical certification under chapter 19.28 RCW may be credited for both the hours of HVAC/R work required under this chapter and the hours of work required under chapter 19.28 RCW.

(7) If an applicant is eligible for an examination under this section and an examination under chapter 19.28 RCW, the department may administer all such examinations at the same examination session. However, upon request of the applicant, the department may administer each examination at the time required in statute or rule for each examination.



**NEW SECTION. Sec. 16. ALTERNATIVES TO WORK EXPERIENCE.** (1) A person who has applied for an examination under section 15 of this act and who has successfully completed a board-approved program in HVAC/R work at a technical college, may substitute technical college program hours for hours of HVAC/R work as follows:

	Type of Certificate	Substitution for Hours of HVAC/R Work
(a)	HVAC/R Mechanic I	Up to 1,000 hours of technical college program may be substituted for up to 1,000 hours of HVAC/R work.
(b)	HVAC/R Mechanic II	Up to 2,000 hours of technical college program may be substituted for up to 2,000 hours of required HVAC/R work.
(c)	HVAC/R Mechanic III	Up to 4,000 hours of technical college program may be substituted for up to 4,000 hours of HVAC/R work.

(2) A person who has applied for an examination under section 15 of this act and who has received training in HVAC/R work in the United States armed forces may substitute those training hours for hours of HVAC/R work subject to approval of the department.

(3) The department shall determine whether program hours accrued under subsection (1) of this section or the training hours accrued under subsection (2) of this section are in HVAC/R work and are appropriate as a substitute for hours of HVAC/R work.

**NEW SECTION. Sec. 17. ISSUANCE OF CERTIFICATES--RENEWAL.** (1) If an applicant passes all portions of the examination administered to him or her under this chapter, that person:

(a) Is entitled to be issued the appropriate level of HVAC/R mechanic certificate; and

(b) Is subject to the other provisions of this chapter for additional certifications.

(2) If an applicant fails to pass one or more portions of an examination administered to him or her under this chapter, that person:

(a) Is still entitled to be issued the appropriate specialty certificate for each portion of the examination that was passed; and

(b) Is subject to the other provisions of this chapter for additional certifications.

(3)(a) If an applicant demonstrates that he or she has passed required modules of a national certification program and, as a result, has been issued an equivalent level of certification by the national propane gas association, that person is entitled to be issued a gas piping specialty mechanic I/II certificate.

(b) A person certified as a gas piping specialty mechanic I/II under (a) of this subsection is subject to the requirements of this chapter to obtain any additional certificates.

(c) Nothing in this subsection (3) shall be construed to prohibit a person from obtaining any of the other certificates provided for in this chapter if they otherwise meet the requirements of this chapter.

(4) An HVAC/R mechanic certificate or specialty certificates shall be valid for a maximum of three years and shall expire on the holder's birthdate. All certificates shall include the expiration date.

(5) A person issued an HVAC/R mechanic certificate or specialty certificate may only perform the scope of work authorized under sections 7 and 8 of this act for the certificate.

(6) A person issued an HVAC/R mechanic certificate or specialty certificate shall have the certificate in his or her possession when performing any HVAC/R work and shall show the certificate to any authorized representative of the department upon request.

(7) The department shall renew an HVAC/R mechanic certificate or specialty certificate if the person issued the certificate:

(a) Applies for renewal of his or her certificate not more than ninety days after the certificate expires; and

(b) Has complied with the continuing education requirement in section 20 of this act.

(8) The department may not renew a certificate that has been revoked or suspended.

(9) The department may deny renewal of a certificate if the person seeking renewal owes outstanding penalties for a final judgment under this chapter.

(10) The department shall, on or before July 1, 2011, create a single document and establish a single expiration date for a person who holds two or more certificates or specialty certificates under chapter 18.106 RCW, chapter 19.28 RCW, and this chapter. The document shall list all of the person's certificates and specialty certificates.

**NEW SECTION. Sec. 18. SUPERVISION RATIOS--SUPERVISION.** (1) The ratio of trainees to appropriately certified HVAC/R mechanics or appropriately certified specialty mechanics on the same job site must not be greater than:

(a) For trainees not in a technical college program, two trainees to each appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic; or

(b) For trainees in a technical college program, four trainees to each appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic.

(2) When the ratio of trainees to appropriately certified HVAC/R mechanics or appropriately certified specialty mechanics on a job site is one appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic to one or two trainees, the appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic must be on the same job site as the trainees for a minimum of seventy- five percent of each working day.

(3) When the ratio of trainees to appropriately certified HVAC/R mechanics or appropriately certified specialty mechanics on a job site is one appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic to three or four trainees, the appropriately certified HVAC/R mechanic or appropriately certified specialty mechanic must:

(a) Directly supervise and instruct the trainees and may not directly make or engage in HVAC/R work; and

(b) Be on the same job site as the trainees for one hundred percent of each working day.

(4) Hours of HVAC/R work that are performed when the supervision ratios are not in compliance with this section do not qualify as supervised hours when accruing hours of HVAC/R work under this chapter.

(5) Notwithstanding any other provision of this chapter, a person:

(a) Who has successfully completed, or is currently enrolled in, an approved appropriately related apprenticeship program or an HVAC/R program at a technical college may perform, unsupervised,

the remaining six months of the experience requirements of this chapter;

(b) Determined to be eligible for examination under section 15(2)(a)(i) of this act and who passes all portions of that examination, may perform, unsupervised, the remaining one thousand hours of HVAC/R work required under this chapter for an HVAC/R mechanic I certificate. However, all HVAC/R work performed by this person must be within the scope of work for an HVAC/R mechanic I certificate and this person may not supervise other trainees until they have completed the full two thousand hours of HVAC/R work required by this chapter;

(c) Determined to be eligible for examination under section 15(2)(c)(i) of this act and who passes all portions of that examination, may perform, unsupervised, the remaining two thousand hours of HVAC/R work required under this chapter for an HVAC/R mechanic III certificate. However, all HVAC/R work performed by this person must be within the scope of work for an HVAC/R mechanic III certificate and this person may not supervise other trainees until they have completed the full eight thousand hours of HVAC/R work required by this chapter.

**NEW SECTION. Sec. 19. CONTRACTOR REPORTING--AUDIT OF RECORDS.** (1) Every person who employs a trainee performing HVAC/R work shall report to the department:

(a) The names and certificate numbers of any trainee who performed HVAC/R work for them and the hours of HVAC/R work performed by each trainee; and

(b) The names and certificate numbers of the appropriately certified HVAC/R mechanics or appropriately certified specialty mechanics who supervised the trainees identified in (a) of this subsection.

(2) Every person who reported hours of HVAC/R work performed by trainees under subsection (1) of this section shall attest that all of the reported hours of HVAC/R work performed by trainees was in compliance with the supervision ratio requirements in section 18 of this act.

(3) The department may audit the records of a person who reported hours of HVAC/R work performed by trainees under subsection (1) of this section in the following circumstances: (a) Excessive hours were reported; (b) hours were reported outside the normal course of the HVAC/R contractor's business; (c) the type of hours reported do not reasonably match the type of permits purchased; or (d) for other similar circumstances in which the department demonstrates a likelihood of excessive hours being reported. The department shall limit the audit to records necessary to verify hours.

(4) Information obtained by the department from any person under this section is confidential and exempt from public disclosure under chapter 42.56 RCW.

**NEW SECTION. Sec. 20. CONTINUING EDUCATION.** (1) A person issued an HVAC/R mechanic certificate or any specialty certificates under this chapter must, prior to the renewal date on their certificate, demonstrate satisfactory completion of twenty-four hours of continuing education.

(2) The department, with the advice of the board, shall determine the contents of the continuing education courses required in subsection (1) of this section and establish the requirements for satisfactory completion of such courses. If the department determines that a continuing education course offered in another state is comparable to courses offered in Washington, the department shall

accept proof of satisfactory completion of the out-of-state course as meeting the continuing education requirement in this section.

(3) A trainee must, prior to the renewal date on their certificate, demonstrate satisfactory completion of sixty hours of related supplemental instruction or equivalent training courses, or courses taken as part of an appropriately related apprenticeship program approved under chapter 49.04 RCW.

(4) The department, with the advice of the board, shall determine the contents of the related supplemental instruction or equivalent training courses, or courses taken as part of an appropriately related apprenticeship program approved under chapter 49.04 RCW required under subsection (3) of this section, and establish the requirements for satisfactory completion of such courses.

(5) All hours required under this section shall be accrued concurrently and shall not exceed sixty hours for any person in any certificate renewal period.

(6) Hours of approved continuing education required under this section and hours of approved continuing education required under chapter 19.28 RCW may be accrued concurrently. However, nothing in this subsection shall be construed to relieve any person from having to complete any continuing education mandated by the department by rule pursuant to this chapter or pursuant to chapter 19.28 RCW.

**NEW SECTION. Sec. 21. RECIPROCITY.** The department may enter into a reciprocity agreement with another state whose certification requirements are equal to the standards set under this chapter. The reciprocity agreement shall provide for the acceptance of Washington and the other state's certification program or its equivalent by Washington and the other state.

**NEW SECTION. Sec. 22. SUSPENSION AND REVOCATION.** (1) The department may revoke any certificate issued under this chapter if the department determines that the recipient: (a) Obtained the certificate through error or fraud; (b) is incompetent to perform HVAC/R work; or (c) committed a violation of this chapter or rules adopted under this chapter that presents imminent danger to the public.

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

**NEW SECTION. Sec. 23. CIVIL PENALTIES.** Any person found in violation of this chapter shall be assessed a penalty not to exceed five thousand dollars. The department shall set by rule a schedule of penalties for violating this chapter. Each day that a person violates this chapter is a separate violation. Any penalties collected by the department under this chapter shall be deposited into the plumbing and HVAC/R certificate fund.

**NEW SECTION. Sec. 24. APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.** The proceedings for denying applications, suspending or revoking certificates, and imposing civil penalties or other remedies issued pursuant to this chapter and any appeal from those proceedings or review of those

proceedings shall be governed by the provisions of the administrative procedure act, chapter 34.05 RCW.

**NEW SECTION. Sec. 25. FEES.** (1) The department shall charge fees for the issuance, renewal, and reinstatement of all certificates and examinations required by this chapter. The department shall set the fee amounts by rule.

(2) The fees collected under this section shall cover the full costs of issuing the registrations and the certificates required by this chapter, devising and administering the examinations required by this chapter, and administering and enforcing this chapter and chapter 18.106 RCW.

**NEW SECTION. Sec. 26. DEPOSITS.** All moneys received by the department from certificates, examinations, or any other sources under this chapter shall be paid to the state treasurer as ex officio custodian thereof and placed in a special fund designated as the "plumbing and HVAC/R certificate fund." The treasurer shall pay out upon vouchers duly and regularly issued therefor and approved by the director. The treasurer shall keep an accurate record of payments into the fund, and of all disbursements from the fund. The fund shall be charged with its pro rata share of the cost of administering the fund.

**NEW SECTION. Sec. 27. LIABILITY.** (1) This chapter may not be construed to relieve from or lessen the responsibility or liability of any person for injury or damage to person or property caused by or resulting from any HVAC/R work performed by the person.

(2) The state of Washington and its officers, agents, and employees may not be held liable for any acts performed pursuant to this chapter.

**NEW SECTION. Sec. 28. HVAC/R BOARD.** (1) An HVAC/R board is established.

(2) The board shall consist of thirteen members to be appointed by the governor with the advice of the director.

(a) Except as provided in this subsection, four members shall be certified HVAC/R mechanics, of which at least one, but not more than two, shall be a certified HVAC/R mechanic performing HVAC/R work east of the crest of the Cascade mountains. Any members appointed before July 1, 2010, shall be persons who are eligible to be certified without examination under section 12 or 13 of this act or to take an examination for certification under section 15 of this act.

(b) Except as provided in this subsection, four members shall be HVAC/R contractors, of which at least one, but not more than two, shall be an HVAC/R contractor doing business east of the crest of the Cascade mountains. Any members appointed before July 1, 2009, shall be persons who are engaged in business as HVAC/R contractors and registered as contractors under chapter 18.27 RCW.

(c) One member shall be from the general public and be familiar with HVAC/R work.

(d) One member shall be a building operator representing the commercial property management industry.

(e) One member shall be from the stationary operating engineers.

(f) One member shall be from a technical college or an approved apprenticeship training program.

(g) One member shall be a building official familiar with enforcement of HVAC/R work.

(3) Except as provided in this subsection, the term of each member shall be three years. The term of each initial member shall expire as follows: (a) The terms of the first certified HVAC/R mechanic and the first HVAC/R contractor shall expire July 1, 2009; (b) the terms of the second certified HVAC/R mechanic, the second HVAC/R contractor, and the public member shall expire July 1, 2010; and (c) the terms of the third certified HVAC/R mechanic and the third certified HVAC/R contractor shall expire July 1, 2011. To ensure that the board may continue to act, a member whose term expires shall continue to serve until his or her replacement is appointed. In the case of any vacancy on the board for any reason, the governor shall appoint a new member to serve out the term of the person whose position has become vacant.

(4) The board shall, at its first meeting, elect one of its members to serve as chair.

(5) The board shall meet at least quarterly in accordance with a schedule established by the board.

(6) The board shall:

(a) Conduct proceedings for denying applications, suspending or revoking certificates, and imposing civil penalties or other remedies. Such proceedings shall be conducted in accordance with chapter 34.05 RCW;

(b) Review and make recommendations to adopt, amend, or repeal any rules under this chapter. The director may not adopt, amend, or repeal any rules until the board has conducted its review and made its recommendations;

(c) Establish an alternative method or methods for persons to attest for hours of HVAC/R work when applying for certificates under this chapter, but only when all traditional methods allowing for verification of hours of HVAC/R work have been exhausted;

(d) Approve expenditures from the plumbing and HVAC/R certificate fund; and

(e) Advise the department on all other matters relative to this chapter.

(7) The members of the board are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 29. ADMINISTRATION.** (1) The director may adopt rules necessary for the administration of this chapter.

(2) The department shall administer this chapter in conjunction with its administration of chapter 18.106 RCW.

(3) In the administration of this chapter, the department shall not enter any controversy arising over work assignments with respect to the trades involved in the construction industry.

**NEW SECTION. Sec. 30. EFFECT ON OTHER LAWS.** With the exception of sections 3(3), 10(7), 15 (6) and (7), 17(10), and 20(6) of this act, nothing in this chapter shall be construed to:

(1) Modify, amend, or supersede chapter 18.106 or 19.28 RCW;

(2) Prohibit or restrict an individual who is certified under chapter 18.106 or 19.28 RCW from engaging in the trade in which he or she is certified; or

(3) Regulate or include plumbing work defined in chapter 18.106 RCW and its applicable rules or electrical work defined in chapter 19.28 RCW and its applicable rules.

**NEW SECTION. Sec. 31. COMPLIANCE AGENTS.** (1) The director shall appoint compliance agents to investigate alleged or apparent violations of this chapter. The director, or authorized compliance agent, upon presentation of appropriate credentials, may inspect and investigate job sites at which an HVAC/R contractor had

bid or presently is working to determine whether the HVAC/R contractor is registered and their employees are certified and working in accordance with this chapter or the rules adopted under this chapter or whether there is a violation of this chapter. Upon request of the compliance agent, an HVAC/R contractor or an employee of the HVAC/R contractor shall provide information identifying the HVAC/R contractor and those employees working on-site.

(2) If the employee of an unregistered HVAC/R contractor is cited by a compliance agent, that employee is cited as the agent of the employer, and issuance of the infraction to the employee is notice to the unregistered HVAC/R contractor that the contractor is in violation of this chapter. An employee who is cited by a compliance agent shall not be liable for any of the alleged violations contained in the citation unless the employee is also the unregistered HVAC/R contractor or the employee is performing HVAC/R work that requires a certification under this chapter without proper proof of the certification.

**NEW SECTION. Sec. 32. NOTICE OF INFRACTION.** The department may issue a notice of infraction if the department reasonably believes that a person has committed an infraction under this chapter. A notice of infraction issued under this section shall be personally served on the person named in the notice by the department's compliance agents or service can be made by certified mail directed to the person named in the notice of infraction at the last known address as provided to the department.

**NEW SECTION. Sec. 33. NOTICE OF INFRACTION FORM.** The form of the notice of infraction issued under this chapter shall include the following:

(1) A statement that the notice represents a determination that the infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(2) A statement that the infraction is a noncriminal offense for which imprisonment shall not be imposed as a sanction;

(3) A statement of the violation that necessitated issuance of the infraction;

(4) A statement of penalty involved if the infraction is established;

(5) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(6) A statement that at any hearing to contest the notice of infraction the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses, including the compliance agent of the department who issued and served the notice of infraction;

(7) A statement that, at any hearing to contest the notice of infraction against a person who is not properly registered or certified as required under this chapter, the person given the infraction has the burden of proving that the infraction did not occur;

(8) A statement that the person named on the notice of infraction must respond to the notice in one of the ways provided in this chapter; and

(9) A statement that the person's failure to timely select one of the options for responding to the notice of infraction after receiving a statement of the options provided in this chapter for responding to the notice of infraction and the procedures necessary to exercise these options is guilty of a gross misdemeanor and may be punished by a fine or imprisonment in jail.

**NEW SECTION. Sec. 34. VIOLATIONS.** A violation designated as an infraction under this chapter shall be heard and determined by an administrative law judge of the office of administrative hearings. If a person desires to contest the notice of infraction, the person shall file a notice of appeal with the department specifying the grounds of the appeal within twenty days of service of the infraction in a manner provided by this chapter. The appeal must be accompanied by a certified check for two hundred dollars, which shall be returned to the assessed person if the decision of the department is not sustained following the final decision in the appeal. If the final decision sustains the decision of the department, the department must apply the two hundred dollars to the payment of the expenses of the appeal, including costs charged by the office of administrative hearings. The administrative law judge shall conduct hearings in these cases at locations in the county where the infraction occurred.

**NEW SECTION. Sec. 35. RESPONSE TO NOTICE OF INFRACTION.** (1) A person who is issued a notice of infraction shall respond within twenty days of the date of issuance of the notice of infraction.

(2) If the person named in the notice of infraction does not elect to contest the notice of infraction, then the person shall pay to the department, by check or money order, the amount of the penalty prescribed for the infraction. When a response that does not contest the notice of infraction is received by the department with the appropriate penalty, the department shall make the appropriate entry in its records.

(3) If the person named in the notice of infraction elects to contest the notice of infraction, the person shall respond by filing with the department specifying the appeal to the department in the manner specified in this chapter.

(4) If any person issued a notice of infraction fails to respond within the prescribed response period, the person shall be guilty of a misdemeanor and prosecuted in the county where the infraction occurred.

(5) After final determination by an administrative law judge that an infraction has been committed, a person who fails to pay a monetary penalty within thirty days, that is not waived pursuant to this chapter, and who fails to file an appeal shall be guilty of a misdemeanor and be prosecuted in the county where the infraction occurred.

(6) A person who fails to pay a monetary penalty within thirty days after exhausting appellate remedies shall be guilty of a misdemeanor and be prosecuted in the county where the infraction occurred.

(7) If a person who is issued a notice of infraction is a person who has failed to register or be certified as required under this chapter, the person is subject to a monetary penalty per infraction as provided in the schedule of penalties established by the department, and each day the person works without becoming registered or certified is a separate infraction.

**Sec. 36.** RCW 18.106.125 and 1983 c 124 s 17 are each amended to read as follows:

The department shall charge fees for issuance, renewal, and reinstatement of all certificates and permits and for examinations required by this chapter. The department shall set the fees by rule.

The fees collected under this chapter and chapter 18.-- RCW (the new chapter created in section 40 of this act) shall cover the full cost of issuing the certificates and permits, devising and administering the examinations, and administering and enforcing this

chapter and chapter 18.-- RCW (the new chapter created in section 40 of this act). The costs shall include travel, per diem, and administrative support costs.

**Sec. 37.** RCW 18.106.130 and 1973 1st ex.s. c 175 s 13 are each amended to read as follows:

All moneys received from certificates, permits, or other sources(;) shall be paid to the state treasurer as ex officio custodian thereof and ((by him)) placed in a special fund designated as the ((<sup>(#)</sup>)plumbing and HVAC/R certificate fund(<sup>(#)</sup>). ((He)) The treasurer shall pay out upon vouchers duly and regularly issued therefor and approved by the director. The treasurer shall keep an accurate record of payments into ((said) the fund(;) and of all disbursement ((therefrom)) from the fund. ((Said)) The fund shall be charged with its pro rata share of the cost of administering ((said) the fund.

**Sec. 38.** RCW 43.84.092 and 2007 c 514 s 3 and 2007 c 356 s 9 are each reenacted and amended to read as follows:

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

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Columbia river basin water supply development account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the

deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, the energy freedom account, The Evergreen State College capital projects account, the federal forest revolving account, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the plumbing and HVAC/R certificate fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional mobility grant program account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university

permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

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

**Sec. 39.** RCW 43.84.092 and 2007 c 514 s 3, 2007 c 513 s 1, and 2007 c 356 s 9 are each reenacted and amended to read as follows:

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

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, the energy freedom account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the health services account, the public health services account, the health system capacity account, the personal health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high-occupancy toll lanes operations account, the plumbing and HVAC/R certificate fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the safety and education account, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan

2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

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

NEW SECTION. Sec. 40. CODIFICATION. Sections 2 through 35 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 41. CAPTIONS. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 42. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 43. EFFECTIVE DATE. Except for section 39 of this act, this act takes effect July 1, 2008.

NEW SECTION. Sec. 44. Section 38 of this act expires July 1, 2009.

NEW SECTION. Sec. 45. Section 39 of this act takes effect July 1, 2009.

NEW SECTION. Sec. 46. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Orcutt moved the adoption of amendment (1529) to amendment (1518):

On page 1, line 14 of the striking amendment, after "representatives" insert ". At least one industry representative shall be from a county that has a contiguous border with another state"

On page 1, line 18 of the striking amendment, after "representatives" insert ". At least one labor representative shall be from a county that has a contiguous border with another state"

On page 26, line 10 of the striking amendment, after "mountains" insert ", and of which at least one shall be a certified HVAC/R mechanic from a county that has a contiguous border with another state"

On page 26, line 17 of the striking amendment, after "mountains" insert ", and of which at least one shall be an HVAC/R contractor from a county that has a contiguous border with another state"

Representatives Orcutt and Conway spoke in favor of the adoption of the amendment to amendment (1518).

The amendment to amendment (1518) was adopted.

Representative Condotta moved the adoption of amendment (1530) to amendment (1518):

On page 1, line 15 of the striking amendment, after "(iv)" strike "Four" and insert "Two".

Representative Condotta spoke in favor of the adoption of the amendment to amendment (1518).

Representative Conway spoke against the adoption of the amendment to amendment (1518).

The amendment to amendment (1518) was not adopted.

There being no objection, amendment (1518) as amended was adopted.

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

Representatives Conway, Wood, Williams, Schindler and Simpson spoke in favor of the passage of the bill.

Representative Chandler, Condotta, Roach, Hunter and McCune spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5831, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5831, as amended by the House, and the bill passed the House by the following vote: Yeas - 58, Nays - 35, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Appleton, Barlow, Blake, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Dunshee, Ericks, Flannigan, Fromhold, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hurst, Jarrett, Kelley, Kenney, Lias, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schindler, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, Williams, Wood and Mr. Speaker - 58.

Voting nay: Representatives Anderson, Armstrong, Bailey, Chandler, Condotta, Crouse, Dunn, Eddy, Ericksen, Goodman, Grant, Haler, Herrera, Hinkle, Hunter, Kagi, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, McCune, McDonald, Newhouse, O'Brien, Orcutt, Pearson, Roach, Rodne, Ross, Schmick, Smith, Springer and Walsh - 35.

Excused: Representatives Campbell, Eickmeyer, Hailey, Skinner and Sump - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5831, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6423, By Senate Committee on Ways & Means (originally sponsored by Senators Brown, Hewitt, Kohl-Welles and McAuliffe)**

**Strengthening the tax credit and modifying the governing board of a Washington motion picture competitiveness program.**

The bill was read the second time.

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

Representatives Hunter, Orcutt, Kenney, Bailey, Condotta, Armstrong, Roach and Kristiansen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6423.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6423, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

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

Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Lias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Excused: Representatives Campbell, Eickmeyer, Hailey, Skinner and Sump - 5.

SUBSTITUTE SENATE BILL NO. 6423, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6609, By Senate Committee on Government Operations & Elections (originally sponsored by Senators Fairley, Rasmussen, Haugen, Jacobsen, Marr, Shin and Roach)**

**Limiting the charge for permits for specialty agricultural buildings.**

The bill was read the second time.

Representative Warnick moved the adoption of amendment (1511):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1)(a) A legislative task force on agricultural structure permits is established, with members as provided in this subsection.

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

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

(iii) The governor shall appoint one member representing the state building code council.

(b) The task force shall choose its chair from among its legislative membership.

(c) The advisory policy committee must have the following nonvoting ex officio members:

(i) One member representing cities;

(ii) One member representing counties; and

(iii) Three members representing statewide agricultural organizations.

(2) The task force shall review the following issues:

(a) Permit costs for specialty agricultural structures in Washington and adjoining states and provinces; and

(b) Alternative fee structures and building code requirements for agricultural structures.



(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 house of representatives and the senate. 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 appropriate committees of the house of representatives and the senate by January 1, 2009.

(7) This section expires April 1, 2009."

Correct the title.

Representatives Warnick, Takko and Hinkle spoke in favor of the adoption of the amendment.

Representative Orcutt spoke against the adoption of the amendment.

The amendment was adopted.

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

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

Representative Kretz spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6609, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6609, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

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

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

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SUBSTITUTE SENATE BILL NO. 6609, as amended by the House, having received the necessary constitutional majority, was declared passed.

### ENGROSSED SENATE BILL NO. 6821, By Senators Hatfield and Jacobsen

**Exempting certain information obtained by the department of fish and wildlife from disclosure under chapter 42.56 RCW. (REVISED FOR PASSED LEGISLATURE: Regarding fish and wildlife harvest management.)**

The bill was read the second time.

There being no objection, the committee amendment by the Agriculture & Natural Resources Committee was before the House for purpose of amendment. (For Committee amendment, see Journal, 46th Day, February 28, 2008.)

There being no objection, the committee amendment by the Appropriations Subcommittee on General Government & Audit Review to the committee amendment by the Agriculture and Natural Resources Committee was adopted. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

There being no objection, the committee amendment by the Agriculture & Natural Resources Committee as amended by the committee amendment by the Appropriations Subcommittee on General Government & Audit Review was adopted.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6821, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6821, as amended by the House, and the bill

passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

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

Voting nay: Representative McCoy - 1.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

ENGROSSED SENATE BILL NO. 6821, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6195, By Senate Committee on Economic Development, Trade & Management (originally sponsored by Senators Haugen and Rasmussen)**

**Modifying the definition of rural county for economic development purposes.**

The bill was read the second time.

There being no objection, the committee amendment by the Appropriations Subcommittee on General Government & Audit Review was adopted. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

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

Representatives Bailey, Linville and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6195, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6195, as amended by the House, and the bill

passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 1, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Lias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Absent: Representative O'Brien - 1.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SUBSTITUTE SENATE BILL NO. 6195, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6313, By Senators McAuliffe, Rasmussen, Tom, Delvin, Shin, Kohl-Welles, Fairley and Fraser**

**Recognizing disability history in the public education system.**

The bill was read the second time.

There being no objection, the committee amendment by the Appropriations Subcommittee on Education was before the House for purpose of amendment. (For Committee amendment, see Journal, 47th Day, February 29, 2008.)

Representative Haigh moved the adoption of amendment (1452) to the committee amendment:

On page 2, beginning on line 4, strike all of section 5

Representatives Haigh and Priest spoke in favor of the motion of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment was amended was adopted.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6313, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6313, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SENATE BILL NO. 6313, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6277, By Senate Committee on Transportation (originally sponsored by Senators Haugen and Spanel)**

**Providing for the accommodation of certain private transit providers at park and ride lots.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, 51st Day, March 4, 2008.)

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6277, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6277, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SUBSTITUTE SENATE BILL NO. 6277, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6510, By Senate Committee on Ways & Means (originally sponsored by Senators Kastama, King, Shin and Rasmussen)**

**Providing a funding source to assist small manufacturers in obtaining innovation and modernization extension services.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, 47th Day, February 29, 2008.)

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

Representatives Kenney, Bailey and Linville spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6510, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6510, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SUBSTITUTE SENATE BILL NO. 6510, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6678, By Senate Committee on Transportation (originally sponsored by Senators Haugen, Prentice, Hobbs, Swecker, McCaslin, Brandland, Spanel, Jacobsen, Oemig, Fairley, Franklin, Fraser, King, Eide, Marr, Brown, Carrell, Berkey, Hatfield, Rasmussen, Rockefeller, Regala, Pridemore, Tom, Sheldon, Hargrove, Weinstein, Shin, Parlette, Murray, McAuliffe, Stevens, Kohl-Welles, Roach and Holmquist)**

**Authorizing the issuance of special license plates to parents of United States armed forces members who have died while in service to his or her country or as a result of such service.**

The bill was read the second time.

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

Representatives Hudgins and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6678.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6678 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SUBSTITUTE SENATE BILL NO. 6678, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6818, By Senators Oemig, Brandland, Tom, Zarelli, Kastama, Weinstein, Kilmer, Keiser and Kohl-Welles**

**Promoting transparency in state expenditures.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, 47th Day, February 29, 2008.)

Representative Linville moved the adoption of amendment (1479) to the committee amendment:

On page 2, line 14 of the amendment, after "personal services" strike "and purchased services".

Representatives Linville and Alexander spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6818, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6818, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Erickson, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SENATE BILL NO. 6818, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6527, By Senate Committee on Judiciary (originally sponsored by Senators Kastama and Kline)**

**Addressing the failure to transfer motor vehicle title and registration.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Public Safety & Emergency Preparedness was adopted. (For Committee amendment, see Journal, 44th Day, February 26, 2008.)

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

Representatives O'Brien, Pearson, Rodne and McDonald spoke in favor of the passage of the bill.

Representative Roberts spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6527, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6527, as amended by the House, and the bill passed the House by the following vote: Yeas - 79, Nays - 15, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Clibborn, Cody, Condotta, Conway, Crouse, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Erickson, Flannigan, Goodman, Grant, Haigh, Haler, Hankins, Herrera, Hinkle, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Seaquist, Smith, Sommers, Springer, Sullivan, Takko, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 79.

Voting nay: Representatives Appleton, Chase, Darneille, Eddy, Fromhold, Green, Hasegawa, Hudgins, Kirby, McIntire, Roberts, Schual-Berke, Sells, Simpson and Upthegrove - 15.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SUBSTITUTE SENATE BILL NO. 6527, as amended by the House, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote YEA on Substitute Senate Bill No. 6527.

MIKE SELLS, 38<sup>th</sup> District

**RECONSIDERATION**

There being no objection, the House immediately reconsidered the vote by which ENGROSSED SENATE BILL NO. 6821 passed the House.

There being no objection, the rules were suspended and ENGROSSED SENATE BILL NO. 6821 was returned to Second Reading for purpose of amendment.

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

## SECOND READING

### ENGROSSED SENATE BILL NO. 6821, By Senators Hatfield and Jacobsen

#### Exempting certain information obtained by the department of fish and wildlife from disclosure under chapter 42.56 RCW.

There being no objection, the committee amendment by the Appropriations Subcommittee on General Government & Audit Review to the committee amendment by the Committee on Agriculture & Natural Resources was not adopted. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For Committee amendment, see Journal, 46<sup>th</sup> Day, February 28, 2008.)

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6821, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6821, as amended by the House and the bill passed the House by the following vote: Yeas - 92, Nays - 2, Absent - 0, Excused - 4.

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

Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 92.

Voting nay: Representatives Chase and McCoy - 2.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

ENGROSSED SENATE BILL NO. 6821, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

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

## REPORTS OF STANDING COMMITTEES

March 6, 2008

HB 3383 Prime Sponsor: Representative Fromhold. Regarding state general obligation bonds and related accounts. Reported by Committee on Capital Budget.

MAJORITY recommendation: Do pass. Signed by Representatives Fromhold, Chair; Ormsby, Vice Chair; Schual-Berke, Vice Chair; McDonald, Ranking Minority Member; Newhouse, Assistant Ranking Minority Member; Appleton, Blake, Chase, Dunshee, Hankins, Hasegawa, Orcutt, Pearson, Pedersen, Sells, Skinner and Smith.

Passed to the Committee on Rules for second reading.

March 6, 2007

HJM 4034 Prime Sponsor: Representatives Kessler, DeBolt, Kenney, Ericksen, Grant, Springer, Santos, Ross, Morris, Conway, Moeller, Schual-Berke, Lantz, Crouse, Flannigan, Alexander, Rolfes, Kristiansen, Liias, Smith, Barlow, Priest, Kelley, Ericks, Kagi, Blake, Hurst, Pearson, McIntire, Loomis, Roach, Skinner, Haler, Linville, Haigh, Appleton, Quall, Wood, Armstrong, McCune, Walsh, Bailey, Hankins, Warnick, Herrera, Eddy, Dunshee, Condotta, Hinkle, O'Brien, Schindler, Kretz, Ahern, Rodne, Sump, Dunn, Takko, Hudgins, Wallace, Jarrett, Chandler, Miloscia, Orcutt, Upthegrove, Sells, Newhouse, Seaquist, Williams, Simpson, Campbell, Pedersen, Fromhold, Nelson, McCoy, Hunt, Green, Goodman, Darneille, McDonald, Chase, Chopp, Clibborn, Cody, Dickerson, Eickmeyer, Hailey, Hasegawa, Hunter, Kirby, Morrell, Ormsby, Pettigrew, Roberts, Schmick,

Sommers, Sullivan and Van De Wege). Requesting the United States Congress to reconsider and halt the procurement of foreign-made tankers for use by the United States Air Force. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute memorial be substituted therefor and the substitute memorial do pass. Signed by Representatives Kenney, Chair; Pettigrew, Vice Chair; Bailey, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Chase, Darneille, Rolfes and Sullivan.

There being no objection, HOUSE JOINT MEMORIAL NO. 4034 was placed on the Second Reading calendar.

There being no objection, the bill listed on the day's committee report sheet under the fifth order of business was passed to the committee so designed.

**SECOND READING**

**SENATE BILL NO. 6332, By Senators Kauffman, Kilmer, Shin, Murray, Sheldon, Marr, Rasmussen, Franklin, Berkey, Haugen, Kohl-Welles, Regala, Keiser, Spanel, McDermott, Rockefeller, Kline, Tom and McAuliffe; by request of Governor Gregoire**

**Increasing the debt limit of the housing finance commission.**

The bill was read the second time.

With the consent of the House, amendment (1526) was withdrawn.

Representative Ormsby moved the adoption of amendment (1533):

On page 1, after line 3, insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that nonprofit entities have difficulty accessing and competing for tax exempt multifamily bonds issued by the Washington state housing finance commission. In order to facilitate the use of the bonds by nonprofit entities, which will increase the availability and inventory of low-income housing, the legislature intends to provide more opportunities to increase the financial capacity of nonprofit low-income housing developers that have less ability to access the tax-exempt bond program than for-profit housing developers. The legislature finds that to meet these goals, the bond debt capacity of the Washington state housing finance commission should be increased, contingent upon the prioritization of nonprofit housing developers in accessing the program, broader objectives to promote housing density and long-term affordability, and assistance to nonprofit low-income housing developers to increase financial capacity, and therefore ability, to access the program."

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

On page 1, at the beginning of line 6, insert "(1)"

On page 1, after line 15, insert the following:

"(2) The debt limit established in subsection (1) of this section is increased to six billion five hundred million dollars only if sections 2 through 6 of this act take effect by June 30, 2008.

**Sec. 2.** RCW 43.180.050 and 1986 c 264 s 1 are each amended to read as follows:

(1) In addition to other powers and duties prescribed in this chapter, and in furtherance of the purposes of this chapter to provide decent, safe, sanitary, and affordable housing for eligible persons, the commission is empowered to:

- (a) Issue bonds in accordance with this chapter;
- (b) Invest in, purchase, or make commitments to purchase or take assignments from mortgage lenders of mortgages or mortgage loans;
- (c) Make loans to or deposits with mortgage lenders for the purpose of making mortgage loans; and
- (d) Participate fully in federal and other governmental programs and to take such actions as are necessary and consistent with this chapter to secure to itself and the people of the state the benefits of those programs and to meet their requirements, including such actions as the commission considers appropriate in order to have the interest payments on its bonds and other obligations treated as tax exempt under the code.

(2) The commission shall establish eligibility standards for eligible persons, considering at least the following factors:

- (a) Income;
- (b) Family size;
- (c) Cost, condition and energy efficiency of available residential housing;
- (d) Availability of decent, safe, and sanitary housing;
- (e) Age or infirmity; and
- (f) Applicable federal, state, and local requirements.

The state auditor shall audit the books, records, and affairs of the commission annually to determine, among other things, if the use of bond proceeds complies with the general plan of housing finance objectives including compliance with the objective for the use of financing assistance ~~((for implementation of cost-effective energy efficiency measures in dwellings))~~ to increase the supply of affordable and decent housing throughout the state.

**Sec. 3** RCW 43.180.070 and 1999 c 372 s 11 and 1999 c 131 s 1 are each reenacted and amended to read as follows:

The commission shall adopt a general plan of housing finance objectives to be implemented by the commission during the period of the plan. The commission may exercise the powers authorized under this chapter prior to the adoption of the initial plan. In developing the plan, the commission shall consider and set objectives for:

- (1) The use of funds for single-family and multifamily housing;
- (2) The use of funds to promote increased housing density;
- (3) The use of funds to promote the provision of affordable housing for the longest period of time possible;
- (4) The use of funds for new construction, rehabilitation, including refinancing of existing debt, and home purchases;

~~((3))~~ (5) The housing needs of low-income and moderate-income persons and families, and of elderly persons or ~~((mentally or physically handicapped))~~ persons with disabilities or mental illness;

~~((4))~~ (6) The use of funds in coordination with federal, state, and local housing programs for low-income persons;

~~((5))~~ (7) The use of funds in urban, rural, suburban, and special areas of the state;

~~((6))~~ (8) The use of financing assistance to stabilize and upgrade declining urban neighborhoods;

~~((7))~~ (9) The use of financing assistance for economically depressed areas, areas of minority concentration, reservations, and in mortgage-deficient areas;

~~((8))~~ (10) The geographical distribution of bond proceeds so that the benefits of the housing programs provided under this chapter will be available to address demand on a fair basis throughout the state;

~~((9))~~ (11) The use of financing assistance for implementation of cost-effective energy efficiency measures in dwellings.

The plan shall include an estimate of the amount of bonds the commission will issue during the term of the plan and how bond proceeds will be expended.

The plan shall be adopted by resolution of the commission following at least one public hearing thereon, notice of which shall be made by mailing to the clerk of the governing body of each county and by publication in the Washington State Register no more than forty and no less than twenty days prior to the hearing. A draft of the plan shall be made available not less than thirty days prior to any such public hearing. ~~((At least every two years,))~~ The commission shall report to the legislature annually regarding implementation of the plan. The commission shall update the plan every two years.

~~((The commission may periodically update the plan.))~~

The commission shall adopt rules designed to result in the use of bond proceeds in a manner consistent with the plan. The commission may periodically update its rules.

This section is designed to deal only with the use of bond proceeds and nothing in this section shall be construed as a limitation on the commission's authority to issue bonds.

**NEW SECTION. Sec. 4** A new section is added to chapter 43.180 RCW to read as follows:

The commission must adopt program guidelines to ensure that qualified applications submitted by nonprofit entities are given priority for the use of tax exempt bonds issued under this chapter for multifamily affordable housing developments.

**NEW SECTION. Sec. 5** A new section is added to chapter 43.185 RCW to read as follows:

The equity program is created in the department to facilitate nonprofit entity use of tax-exempt multifamily bonds issued by the Washington state housing finance commission. The department shall contract with the Washington state housing finance commission to administer the equity program. By December 31, 2008, and annually thereafter, the Washington state housing finance commission must report to the appropriate committees of the legislature, using performance measures, on the activities and accomplishments of the program.

**Sec. 6.** RCW 84.36.560 and 2007 c 301 s 1 are each amended to read as follows:

(1) The real and personal property owned or used by a nonprofit entity in providing rental housing for very low-income households or used to provide space for the placement of a mobile home for a very low-income household within a mobile home park is exempt from taxation if:

(a) The benefit of the exemption inures to the nonprofit entity;

(b) At least seventy-five percent of the occupied dwelling units in the rental housing or lots in a mobile home park are occupied by a very low-income household; and

(c) The rental housing or lots in a mobile home park were insured, financed, or assisted in whole or in part through one or more of the following sources:

(i) A federal or state housing program administered by the department of community, trade, and economic development;

(ii) A federal housing program administered by a city or county government;

(iii) An affordable housing levy authorized under RCW 84.52.105; or

(iv) The surcharges authorized by RCW 36.22.178 and 36.22.179 and any of the surcharges authorized in chapter 43.185C RCW.

(2) If less than seventy-five percent of the occupied dwelling units within the rental housing or lots in the mobile home park are occupied by very low-income households, the rental housing or mobile home park is eligible for a partial exemption on the real property and a total exemption of the housing's or park's personal property as follows:

(a) A partial exemption shall be allowed for each dwelling unit in the rental housing or for each lot in a mobile home park occupied by a very low-income household.

(b) The amount of exemption shall be calculated by multiplying the assessed value of the property reasonably necessary to provide the rental housing or to operate the mobile home park by a fraction. The numerator of the fraction is the number of dwelling units or lots occupied by very low-income households as of December 31st of the first assessment year in which the rental housing or mobile home park becomes operational or on January 1st of each subsequent assessment year for which the exemption is claimed. The denominator of the fraction is the total number of dwelling units or lots occupied as of December 31st of the first assessment year the rental housing or mobile home park becomes operational and January 1st of each subsequent assessment year for which exemption is claimed.

(3) If a currently exempt rental housing unit in a facility with ten units or fewer or mobile home lot in a mobile home park with ten lots or fewer was occupied by a very low-income household at the time the exemption was granted and the income of the household subsequently rises above ~~((fifty percent))~~ the very low-income household threshold of the median income but remains at or below eighty percent of the median income, the exemption will continue as long as the housing continues to meet the certification requirements of a very low-income housing program listed in subsection (1) of this section. For purposes of this section, median income, as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located, shall be adjusted for family size. However, if a dwelling unit or a lot becomes vacant and is subsequently rerented, the income of the new household must be at or below ~~((fifty percent))~~ the very low-income household threshold of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located to remain exempt from property tax.

(4) If at the time of initial application the property is unoccupied, or subsequent to the initial application the property is unoccupied because of renovations, and the property is not currently being used for the exempt purpose authorized by this section but will be used for the exempt purpose within two assessment years, the property shall be eligible for a property tax exemption for the



assessment year in which the claim for exemption is submitted under the following conditions:

(a) A commitment for financing to acquire, construct, renovate, or otherwise convert the property to provide housing for very low-income households has been obtained, in whole or in part, by the nonprofit entity claiming the exemption from one or more of the sources listed in subsection (1)(c) of this section;

(b) The nonprofit entity has manifested its intent in writing to construct, remodel, or otherwise convert the property to housing for very low-income households; and

(c) Only the portion of property that will be used to provide housing or lots for very low-income households shall be exempt under this section.

(5) To be exempt under this section, the property must be used exclusively for the purposes for which the exemption is granted, except as provided in RCW 84.36.805.

(6) The nonprofit entity qualifying for a property tax exemption under this section may agree to make payments to the city, county, or other political subdivision for improvements, services, and facilities furnished by the city, county, or political subdivision for the benefit of the rental housing. However, these payments shall not exceed the amount last levied as the annual tax of the city, county, or political subdivision upon the property prior to exemption.

(7) As used in this section:

(a) "Group home" means a single-family dwelling financed, in whole or in part, by one or more of the sources listed in subsection (1)(c) of this section. The residents of a group home shall not be considered to jointly constitute a household, but each resident shall be considered to be a separate household occupying a separate dwelling unit. The individual incomes of the residents shall not be aggregated for purposes of this exemption;

(b) "Mobile home lot" or "mobile home park" means the same as these terms are defined in RCW 59.20.030;

(c) "Occupied dwelling unit" means a living unit that is occupied by an individual or household as of December 31st of the first assessment year the rental housing becomes operational or is occupied by an individual or household on January 1st of each subsequent assessment year in which the claim for exemption is submitted. If the housing facility is comprised of three or fewer dwelling units and there are any unoccupied units on January 1st, the department shall base the amount of the exemption upon the number of occupied dwelling units as of December 31st of the first assessment year the rental housing becomes operational and on May 1st of each subsequent assessment year in which the claim for exemption is submitted;

(d) "Rental housing" means a residential housing facility or group home that is occupied but not owned by very low-income households;

(e) "Very low-income household" means: (i) A single person, family, or unrelated persons living together whose income is at or below fifty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home space is located and in effect as of January 1st of the year the application for exemption is submitted; or (ii) for properties that have received assistance from the equity program created in section 5 of this act, a single person, family, or unrelated persons living together whose income is at or below sixty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home space is located

and in effect as of January 1st of the year the application for exemption is submitted; and

(f) "Nonprofit entity" means a:

(i) Nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code;

(ii) Limited partnership where a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority created under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210(2)(a) is a general partner; or

(iii) Limited liability company where a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority established under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210(2)(a) is a managing member."

Correct the title.

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

The amendment was adopted.

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

Representatives Ormsby and Newhouse 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 Senate Bill No. 6332, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6332, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloskia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rordne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer,

Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representative Dunn - 1.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SENATE BILL NO. 6332, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6204, By Senator Sheldon**

**Dividing water resource inventory area 14 into WRIA 14a and WRIA 14b.**

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 Blake and Kretz 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 Senate Bill No. 6204.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6204 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SENATE BILL NO. 6204, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6317, By Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Berkey and Kline)**

**Requiring the payment of interest upon failure to pay death benefits that are payable under the terms of a group life insurance policy.**

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 Kirby and Roach 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 Senate Bill No. 6317.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6317 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SUBSTITUTE SENATE BILL NO. 6317, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6602, By Senate Committee on Transportation (originally sponsored by Senators Haugen and Swecker; by request of Board of Pilotage Commissioners)**

**Modifying pilotage act and related 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.

Representatives Clibborn and Ericksen 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 Senate Bill No. 6602.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6602 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SUBSTITUTE SENATE BILL NO. 6602, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6726, By Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Tom, McAuliffe and Rasmussen)**

**Granting the professional educator standards board ongoing authority to establish professional-level certification assessments and performance standards.**

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 Sullivan and Priest 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 Senate Bill No. 6726.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6726 and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

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

Voting nay: Representative Dunn - 1.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SUBSTITUTE SENATE BILL NO. 6726, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6306, By Senate Committee on Human Services & Corrections (originally sponsored by Senators Rockefeller, Fairley, Kline and Shin)**

**Providing an additional procedure for visitation rights for relatives of dependent children.**

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 Kagi and Haler 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 Senate Bill No. 6306.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6306 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SUBSTITUTE SENATE BILL NO. 6306, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5927, By Senator Delvin**

**Regarding nondisclosure of certain information of gambling commission licensees. (REVISED FOR ENGROSSED: Regarding nondisclosure of certain information of gambling commission licensees and tribes with approved gaming compacts. )**

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 Hunt and Chandler 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 Senate Bill No. 5927.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5927 and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen,

Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 93.

Voting nay: Representative Anderson - 1.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

ENGROSSED SENATE BILL NO. 5927, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5959, By Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Kilmer, Shin, Sheldon, Kohl-Welles, Delvin and McAuliffe)**

**Providing assistance to homeless individuals and families. (REVISED FOR ENGROSSED: Providing assistance to individuals and families who are homeless or at risk of being homeless. )**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

With the consent of the House, amendments (1527) and (1378) were withdrawn.

Representative Miloscia moved the adoption of amendment (1536) to the committee amendment:

Beginning on page 1, line 3 of the amendment, strike everything through page 3, line 23, and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that there is a large, unmet need for affordable housing and affordable housing assistance in the state of Washington, causing many low-income individuals and families to be at risk of homelessness. The legislature declares that a decent, appropriate, and affordable home in a healthy, safe environment for every household should be a state goal. Furthermore, this goal includes increasing the percentage of low-income households who are ultimately able to obtain and retain housing without government subsidies or other public support.

(2) The legislature finds that the state should provide financial resources as well as case management to help individuals and families at risk of homelessness obtain and retain housing and work towards a goal of self-sufficiency where possible.

(3) The legislature finds that there are many root causes of the affordable housing shortage and declares that it is critical that such causes be analyzed, effective solutions be developed, implemented, monitored, and evaluated, and that these causal factors be eliminated. The legislature also finds that there is a taxpayer and societal cost associated with a lack of jobs that pay self-sufficiency standard wages and a shortage of affordable housing, and that the state must identify and quantify that cost.

(4) The legislature finds that the support and commitment of all sectors of the statewide community is critical to accomplishing the state's affordable housing for all goal. The legislature finds that the provision of housing and housing-related services should be administered both at the state level and at the local level. However, the state should play a primary role in: Providing financial resources to achieve the goal at all levels of government; researching, evaluating, benchmarking, and implementing best practices; continually updating and evaluating statewide housing data; developing a state plan that integrates the strategies, goals, objectives, and performance measures of all other state housing plans and programs; coordinating and supporting county government plans and activities; and directing quality management practices by monitoring both state and county government performance towards achieving interim and ultimate goals.

(5) The legislature declares that the systematic and comprehensive performance measurement and evaluation of progress toward interim goals and the immediate state affordable housing goal of a decent, appropriate, and affordable home in a healthy, safe environment for every household in the state by 2020 is a necessary component of the statewide effort to end the affordable housing crisis.

**NEW SECTION. Sec. 2.** This chapter may be known and cited as the Washington affordable housing for all act.

**NEW SECTION. Sec. 3.** There is created within the department the state affordable housing for all program. The goal of the program is a decent, appropriate, and affordable home in a healthy, safe environment for every household in the state by 2020. A priority must be placed upon achieving this goal for extremely low-income households as well as all households who are at risk of homelessness. This goal includes: (1) Increasing the percentage of households who access housing that is affordable for their income or wage level without government assistance by increasing the number of previously very low-income households who achieve self-sufficiency and economic independence; (2) providing financial assistance, either from the state or local resources to individuals and families at risk of homelessness, coupled with supportive services to assist families to ultimately achieve self-sufficiency whenever possible; and (3) implementing strategies to keep the rising price of housing for all economic segments to a rate less than that of the overall growth in wages for each economic segment. The department shall develop and administer the affordable housing for all program. Each county shall participate in the affordable housing for all program except as provided in section 8 of this act; however, in the development and implementation of the program scope and requirements at the county level, the department shall consider: The funding level to counties, number of county staff available to implement the program, and competency of each county to meet the goals of the program; and establish program guidelines, performance measures, and reporting requirements appropriate to the existing capacity of the participating counties.

**NEW SECTION. Sec. 4.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affordable housing" means housing that has a sales price or rental amount that is within the means of a household that may occupy low, very low, and extremely low-income housing. The department shall adopt policies for residential rental and homeownership housing, occupied by extremely low, very low, and low-income households, that specify the percentage of household income that may be spent on monthly housing costs, including utilities other than telephone, to qualify as affordable housing.

(2) "Affordable housing for all program" means the program authorized under this chapter, as administered by the department at the state level and by each county at the local level.

(3) "At risk of homelessness" means any low, very low, or extremely low-income individual or family residing in housing that is not affordable housing.

(4) "Authority" or "housing authority" means any of the public corporations created in RCW 35.82.030.

(5) "County" means a county government in the state of Washington or, except under RCW 36.22.178 (as recodified by this act), a city government or collaborative of city governments within that county if (a) the county government declines to participate in the affordable housing program and (b) as described under section 8 of this act, a city or collaborative of city governments elects to participate in the program.

(6) "County affordable housing for all plan" or "county plan" means the plan developed by each county with the goal of ensuring that every household in the county has a decent, appropriate, and affordable home in a healthy, safe environment by 2020.

(7) "County affordable housing task force" means a county committee, as described in section 6 of this act, created to prepare and recommend to its county legislative authority a county affordable housing for all plan, and also to recommend expenditures of the funds from the affordable housing for all program surcharge in RCW 36.22.178 (as recodified by this act) and all other sources directed to the county's affordable housing for all program.

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

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

(10) "Eligible organizations" means eligible organizations as described in RCW 43.185.060.

(11) "Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than thirty percent of the median family income, adjusted for household size for the county where the project is located.

(12) "First-time home buyer" means an individual or his or her spouse who have not owned a home during the three-year period prior to purchase of a home.

(13) "Local government" means a county or city government in the state of Washington or, except under RCW 36.22.178 (as recodified by this act), a city government or collaborative of city governments within that county if (a) the county government declines to participate in the affordable housing program and (b) as described under section 8 of this act, a city or collaborative of city governments elects to participate in the program.

(14) "Low-income household," for the purposes of the affordable housing for all program, means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median household income, adjusted for household size for the county where the project is located.

(15) "Nonprofit organization" means any public or private nonprofit organization that: (a) Is organized under federal, state, or local laws; (b) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; and (c) has among its purposes, significant activities related to the provision of decent housing that is affordable to extremely low-income, very low-income, low-income, or moderate-income households and special needs populations.

(16) "Performance evaluation" means the process of evaluating the performance by established objective, measurable criteria according to the achievement of outlined goals, measures, targets, standards, or other outcomes using a ranked scorecard from highest to lowest performance which employs a scale of one to one hundred, one hundred being the optimal score.

(17) "Performance measurement" means the process of comparing specific measures of success with ultimate and interim goals.

(18) "Quality management program" means a nationally recognized program using criteria similar or equivalent to the Baldrige criteria. Beginning in 2010, all local governments receiving over five hundred thousand dollars a year during the previous calendar year from: State housing-related funding sources, including the Washington housing trust fund; the ending homelessness program surcharges in RCW 36.22.179 and 36.22.1791 (as recodified by this act); and any surcharges in chapter 43.185C RCW and the surcharges in RCW 36.22.178 (as recodified by this act), shall apply to the Washington state quality award program for an independent assessment of its quality management, accountability, and performance system, once every three years beginning by January 1, 2011.

(19) "Regulatory barriers to affordable housing" and "regulatory barriers" mean any public policies, including those embodied in statutes, ordinances, regulations, or administrative procedures or processes, required to be identified by the state, cities, towns, or counties in connection with strategies under section 105(b)(4) of the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701 et seq.).

(20) "State affordable housing for all plan" or "state plan" means the plan developed by the department in collaboration with the affordable housing advisory board with the goal of ensuring that every household in Washington has a decent, appropriate, and affordable home in a healthy, safe environment by 2020.

(21) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than fifty percent of the median family income, adjusted for household size for the county where the project is located.

**Sec. 5.** RCW 43.185B.040 and 1993 c 478 s 12 are each amended to read as follows:

(1) The department shall, in consultation with the affordable housing advisory board created in RCW 43.185B.020 (as recodified by this act), prepare and ~~((from time to time amend a five-year))~~ annually update a state affordable housing ~~((advisory))~~ for all plan with an ultimate goal of achieving a decent, appropriate, and affordable home in a healthy, safe environment for every household in the state by 2020. The state plan must also incorporate the strategies, objectives, goals, and performance measures of all other housing-related state plans, including the state homeless housing strategic plan required under RCW 43.185C.040 and all state housing programs. The state affordable housing for all plan may be combined with the state homeless housing strategic plan required under RCW

43.185C.040 or any other existing state housing plan as long as the requirements of all of the plans to be merged are met.

(2) The purpose of the state affordable housing for all plan is to:

(a) Document the need for affordable housing in the state, including the need amongst households at risk of homelessness, and the extent to which that need is being met through public and private sector programs~~((, to))~~;

(b) Outline the development of sound strategies and programs to provide affordable housing to all households;

(c) Establish, evaluate, and report upon performance measures, goals, and timelines that are determined by the department for the affordable housing for all program and the state and local affordable housing for all plans, as well as for all federal, state, and local housing programs and plans operated or coordinated by the department, including: (i) Federal block grant programs; (ii) the Washington housing trust fund; and (iii) all local surcharge funds collected with the purpose of addressing homelessness and affordable housing; and

(d) Facilitate state and county government planning to meet the state affordable housing ~~((needs of the state, and to enable the development of sound strategies and programs for affordable housing))~~ for all goal.

((The information in the five-year housing advisory plan must include:

— (a) An assessment of the state's housing market trends;

— (b) An assessment of the housing needs for all economic segments of the state and special needs populations;

— (c) An inventory of the supply and geographic distribution of affordable housing units made available through public and private sector programs;

— (d) A status report on the degree of progress made by the public and private sector toward meeting the housing needs of the state;

— (e) An identification of state and local regulatory barriers to affordable housing and proposed regulatory and administrative techniques designed to remove barriers to the development and placement of affordable housing; and

— (f) Specific recommendations, policies, or proposals for meeting the affordable housing needs of the state.

— (2)) (3)(a) The department, in consultation with the affordable housing advisory board, shall develop recommendations for affordable housing for all program performance measures, short-term and long-term goals, and timelines, as well as information to be collected, analyzed, and reported upon in the state and local affordable housing for all plans. One performance measure must address the program's effectiveness in achieving the ultimate goal of a decent, appropriate, and affordable home in a healthy, safe environment for every household in the state by 2020. Another specific performance measure must be to ensure that the rate of growth in the overall price of housing for each economic segment is less than that of the overall growth in wages for each economic segment. The department shall present its recommendations for additional performance measures to the appropriate committees of the legislature by December 31, 2008.

(b) Performance measures and other required plan components must be reviewed annually by the department after soliciting feedback from the affordable housing advisory board, appropriate committees of the legislature, and all county affordable housing for all task forces.

(c) The department may determine a timeline to implement and measure each performance measure for the state and county affordable housing for all programs, except that the state and all counties participating in the affordable housing for all program must

implement and respond to all performance measures by January 1, 2011, unless the department determines that a performance measure is not applicable to a specific county based on parameters and thresholds established by the department.

(4) The ~~((five-year))~~ state affordable housing ~~((advisory))~~ for all plan required under ~~((subsection (1) of))~~ this section must be submitted to the appropriate committees of the legislature on or before ~~((February 1, 1994))~~ January 15, 2010, and subsequent updated plans must be submitted ~~((every five years))~~ by January 15th each year thereafter.

~~((b) Each February 1st, beginning February 1, 1995, the department shall submit an annual progress report, to the legislature, detailing the extent to which the state's affordable housing needs were met during the preceding year and recommendations for meeting those needs))~~

(5) To guide counties in preparation of county affordable housing for all plans required under section 7 of this act, the department shall issue, by December 31, 2009, guidelines for preparing county plans consistent with this chapter. County plans must include, at a minimum, the same information reporting and analysis on a local level and the same performance measures as the state plan.

(6) Each year, beginning in 2010, the department shall:

(a) Summarize key information from county plans, including a summary of local city and county housing program activities and a summary of legislative recommendations;

(b) Conduct annual performance evaluations of county plans; and

(c) Conduct annual performance evaluations of all counties according to their performance in achieving affordable housing goals stated in their plans.

(7) The department shall include a summary of county affordable housing for all plans and the results of performance evaluations in the state affordable housing for all plan beginning in 2010.

(8) Based on changes to the general population and in the housing market, the department may revise the performance measures and goals of the state affordable housing for all plan and set goals for years following December 31, 2020.

**NEW SECTION. Sec. 6.** Each county shall convene a county affordable housing task force. The task force must be a committee, made up of volunteers, created to prepare and recommend to the county legislative authority a county affordable housing for all plan and also to recommend appropriate expenditures of the affordable housing for all program funds provided for in RCW 36.22.178 (as recodified by this act) and any other sources directed to the county program. The county affordable housing task force must include a representative of the county, a representative from the city with the highest population in the county, a representative from all other cities in the county with a population greater than fifty thousand, a member representing beneficiaries of affordable housing programs, other members as may be required to maintain eligibility for federal funding related to housing programs and services, and a representative from both a private nonprofit organization and a private for-profit organization with experience in very low-income housing. The task force may be the same as the homeless housing task force created in RCW 43.185C.160 or the same as another existing task force or other formal committee that meets the requirements of this section.

**NEW SECTION. Sec. 7.** (1) Each county shall direct its affordable housing task force to prepare and recommend to its county legislative authority a county affordable housing for all plan for its jurisdictional area. Each county shall adopt a county plan by June 30, 2010, and update the plan annually by June 30th thereafter. All plans must be forwarded to the department by the date of the adoption. County affordable housing for all plans may be combined with the local homeless housing plans required under RCW 43.185C.040, county comprehensive plans required under RCW 36.70A.040, or any other existing plan addressing housing within a county as long as the requirements of all of the plans to be merged are met. For counties required or choosing to plan under RCW 36.70A.040, county affordable housing for all plans must be consistent with the housing elements of comprehensive plans described in RCW 36.70A.070(2). County plans must also be consistent with any existing local homeless housing plan required in RCW 43.185C.050.

(2) County affordable housing for all plans must be primarily focused on (a) ensuring that every household, including those households at risk of homelessness, in the county jurisdictional area has a decent, appropriate, and affordable home in a healthy, safe environment by 2020 with a priority placed on achieving this goal for low-income households and (b) increasing the percentage of households, who receive assistance from the transitional housing operating and rent program created in section 43 of this act, who ultimately are able to access affordable housing without government assistance. County affordable housing for all plans must include:

(i) At a minimum, the same information, analysis, and performance measures as the state affordable housing for all plan, including information and performance measurement data, where available, on state supported housing programs and all city and county housing programs, including local housing-related levy initiatives, housing-related tax exemption programs, and federally funded programs operated or coordinated by local governments;

(ii) Information on the uses of the affordable housing for all surcharge as required in RCW 36.22.178(4) (as recodified by this act);

(iii) Information on the activities and accomplishments of the transitional housing operating and rent program, as required in section 43 of this act;

(iv) Timelines for the accomplishment of interim goals and targets, and for the acquisition of projected financing that is appropriate for outlined goals and targets;

(v) An identification of challenges to reaching the affordable housing for all goal;

(vi) A total estimated amount of funds needed to reach the local affordable housing for all goal and an identification of potential funding sources; and

(vii) State legislative recommendations to enable the county to achieve its affordable housing for all goals. Legislative recommendations must be specific and, if necessary, include an estimated amount of funding required and suggestions of an appropriate funding source.

**NEW SECTION. Sec. 8.** (1) Any county may decline to participate in the affordable housing for all program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution must also be transmitted to the county auditor and treasurer. Counties that decline to participate shall not be required to establish an affordable housing task force or to create a county affordable housing for all plan. Counties declining to

participate in the affordable housing for all program shall continue to be eligible to receive funding through the transitional housing operating and rent program created in section 43 of this act. Counties declining to participate in the affordable housing for all program shall also continue to collect and utilize the affordable housing for all surcharge for the purposes described in RCW 36.22.178 (as recodified by this act); however, such counties shall not be allocated any additional affordable housing for all program funding that is specifically provided for program planning and administrative purposes. Counties may opt back into the affordable housing for all program authorized by this chapter at a later date through a process and timeline to be determined by the department.

(2) If a county declines to participate in the affordable housing for all program authorized in this chapter, a city or formally organized collaborative of cities within that county may forward a resolution to the department stating its intention and willingness to operate an affordable housing for all program within its jurisdictional limits. The department must establish procedures to choose amongst cities or collaboratives of cities in the event that more than one city or collaborative of cities express an interest in participating in the program. Participating cities or collaboratives of cities must fulfill the same requirements as counties participating in the affordable housing for all program.

**NEW SECTION. Sec. 9.** A county may subcontract with any other county, city, town, housing authority, community action agency, or other nonprofit organization for the execution of programs contributing to the affordable housing for all goal. All subcontracts must be: Consistent with the county affordable housing for all plan adopted by the legislative authority of the county; time limited; and filed with the department, and must have specific performance terms as specified by the county. County governments must strongly encourage each subcontractor under the affordable housing for all program to apply to the Washington state quality award program for an independent assessment of its quality management, accountability, and performance system. This authority to subcontract with other entities does not affect participating counties' ultimate responsibility for meeting the requirements of the affordable housing for all program.

**NEW SECTION. Sec. 10.** The department shall contract with two statewide organizations addressing affordable housing issues or homeless issues, or both, to create comprehensive independent statewide affordable housing for all plans consistent with the goals and performance measures of the state and local affordable housing for all plans as described in this chapter. Recipient organizations must present their affordable housing for all plans to the department and the appropriate committees of the legislature within one year following the receipt of contract funds.

**Sec. 11.** RCW 36.22.178 and 2007 c 427 s 1 are each amended to read as follows:

The surcharge provided for in this section shall be named the affordable housing for all surcharge.

(1) Except as provided in subsection (3) of this section, a surcharge of ten dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The county may retain up to five percent of these funds collected solely for the collection, administration, and local distribution of these funds. Of the remaining funds, forty percent of the revenue generated through this surcharge will be transmitted monthly to the state treasurer who will

deposit the funds into the affordable housing for all account created in RCW 43.185C.190. The department of community, trade, and economic development must use these funds to provide housing and shelter for extremely low-income households, including but not limited to grants for building operation and maintenance costs of housing projects or units within housing projects that are affordable to extremely low-income households with incomes at or below thirty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses.

(2) All of the remaining funds generated by this surcharge will be retained by the county and be deposited into a fund that must be used by the county and its cities and towns for eligible housing activities as described in this subsection that serve very low-income households with incomes at or below fifty percent of the area median income. The portion of the surcharge retained by a county shall be allocated to eligible housing activities that serve extremely low and very low-income households in the county and the cities within a county according to an interlocal agreement between the county and the cities within the county consistent with countywide and local housing needs and policies. A priority must be given to eligible housing activities that serve extremely low-income households with incomes at or below thirty percent of the area median income. Eligible housing activities to be funded by these county funds are limited to:

(a) Acquisition, construction, or rehabilitation of housing projects or units within housing projects that are affordable to very low-income households with incomes at or below fifty percent of the area median income, including units for homeownership, rental units, seasonal and permanent farm worker housing units, and single room occupancy units;

(b) Supporting building operation and maintenance costs of housing projects or units within housing projects eligible to receive housing trust funds, that are affordable to very low-income households with incomes at or below fifty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses;

(c) Rental assistance vouchers for housing units that are affordable to very low-income households with incomes at or below fifty percent of the area median income, to be administered by a local public housing authority or other local organization that has an existing rental assistance voucher program, consistent with or similar to the United States department of housing and urban development's section 8 rental assistance voucher program standards; and

(d) Operating costs for emergency shelters and licensed overnight youth shelters.

(3) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

(4) All counties shall report at least annually by May 1st upon receipts and expenditures of the affordable housing for all surcharge funds created in this section to the department. The department may require more frequent reports. The report must include the amount of funding generated by the surcharge, the total amount of funding distributed to date, the amount of funding allocated to each eligible housing activity, a description of each eligible housing activity funded, including information on the income or wage level and numbers of extremely low, very low, and low-income households the eligible housing activity is intended to serve, and the outcome or anticipated outcome of each eligible housing activity.

**NEW SECTION. Sec. 12.** This chapter does not require either the department or any local government to expend any funds to accomplish the goals of this chapter other than the revenues



authorized in this act and other revenue that may be appropriated by the legislature for these purposes. However, neither the department nor any local government may use any funds authorized in this act to supplant or reduce any existing expenditures of public money to address the affordable housing shortage.

**Sec. 13.** RCW 43.185A.100 and 2006 c 349 s 11 are each amended to read as follows:

The department ~~(?)~~ shall collaborate with the housing finance commission, the affordable housing advisory board, and all local governments, housing authorities, and other ~~((nonprofits))~~ eligible organizations receiving state housing funds, affordable housing for all funds, home security funds, or financing through the housing finance commission ~~((shall, by December 31, 2006, and annually thereafter, review current housing reporting requirements related to housing programs and services and give))~~ to include in the state affordable housing for all plan, by December 31, 2009, recommendations, where possible:

~~(1) To streamline and simplify all housing planning, application, and reporting requirements ((to the department of community, trade, and economic development, which will compile and present the recommendations annually to the legislature. The entities listed in this section shall also give recommendations for additional)); and~~

~~(2) For legislative actions that could promote the affordable housing for all goal and the state goal to end homelessness.~~

**Sec. 14.** RCW 43.185.070 and 2005 c 518 s 1802 and 2005 c 219 s 2 are each reenacted and amended to read as follows:

(1) During each calendar year in which funds from the housing trust fund or other legislative appropriations are available for use by the department for the housing assistance program, the department shall announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement shall be made as often as the director deems appropriate for proper utilization of resources. The department shall then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department. Administrative costs paid out of the housing trust fund may not exceed five percent of annual revenues available for distribution to housing trust fund projects. In awarding funds under this chapter, the department shall provide for a geographic distribution on a statewide basis.

(2) The department shall give first priority to applications for projects and activities which utilize existing privately owned housing stock including privately owned housing stock purchased by nonprofit public development authorities and public housing authorities as created in chapter 35.82 RCW. As used in this subsection, privately owned housing stock includes housing that is acquired by a federal agency through a default on the mortgage by the private owner. Such projects and activities shall be evaluated under subsection (3) of this section. Second priority shall be given to activities and projects which utilize existing publicly owned housing stock. All projects and activities shall be evaluated by some or all of the criteria under subsection (3) of this section, and similar projects and activities shall be evaluated under the same criteria.

(3) The department shall give preference for applications based on some or all of the criteria under this subsection, and similar projects and activities shall be evaluated under the same criteria:

(a) The degree of leveraging of other funds that will occur;

(b) The degree of commitment from programs to provide necessary habilitation and support services for projects focusing on special needs populations;

(c) Recipient contributions to total project costs, including allied contributions from other sources such as professional, craft and trade services, and lender interest rate subsidies;

(d) Local government project contributions in the form of infrastructure improvements, and others;

(e) Projects that encourage ownership, management, and other project-related responsibility opportunities;

(f) Projects that demonstrate a strong probability of serving the original target group or income level for a period of at least twenty-five years;

(g) The applicant has the demonstrated ability, stability and resources to implement the project;

(h) The applicant has committed to quality improvement and submitted an application to the Washington state quality award program for an independent assessment of its quality management, accountability, and performance system within the previous three years;

(i) Projects which demonstrate serving the greatest need;

~~((#))~~ (j) Projects that provide housing for persons and families with the lowest incomes;

~~((#))~~ (k) Projects that provide housing for persons at risk of homelessness;

(l) Projects serving special needs populations which are under statutory mandate to develop community housing;

~~((#))~~ (m) Project location and access to employment centers in the region or area;

~~((#))~~ (n) Projects that provide employment and training opportunities for disadvantaged youth under a youthbuild or youthbuild-type program as defined in RCW 50.72.020; and

~~((#))~~ (o) Project location and access to available public transportation services.

(4) The department shall only approve applications for projects for ~~((mentally ill))~~ persons with mental illness that are consistent with a regional support network six-year capital and operating plan.

**NEW SECTION. Sec. 15.** The office of the insurance commissioner, in collaboration with the department of community, trade, and economic development and, when necessary, in consultation with the office of financial management and the office of the attorney general, must, by December 1, 2008, present specific recommendations for strategies to reduce construction liability and earthquake insurance costs for affordable housing projects funded by the Washington housing trust fund under chapters 43.185 and 43.185A RCW, with a specific emphasis on identifying strategies to reduce construction liability insurance costs, to the appropriate committees of the legislature. Recommendations must include any changes to existing statutory or regulatory language necessary for the state or for eligible organizations with affordable housing projects funded by the housing trust fund to pursue recommended strategies.

**NEW SECTION. Sec. 16.** A new section is added to chapter 43.185 RCW to read as follows:

Affordable housing developments receiving financing by the Washington housing trust fund under this chapter and chapter 43.185A RCW that were not acquired by eminent domain are exempt from the requirements of and rules adopted for chapter 8.26 RCW. All projects receiving financing from the housing trust fund must comply with any relocation standards and requirements and real property acquisition policies established by the department as a condition of housing trust fund assistance.

**NEW SECTION. Sec. 17.** A new section is added to chapter 43.185 RCW to read as follows:

(1) The housing communities program is created within the department to provide technical assistance and organizational capacity building programs to private, community-based nonprofit organizations that primarily serve communities of color or multilingual communities. The housing communities program must provide organizational training and technical assistance on housing development issues, including asset management, resource acquisition, and other general housing development topics, with the goal of assisting nonprofit organizations to add affordable housing development into their organizational missions and workplans, or expand their current affordable housing programs to further meet the needs of their communities.

(2) The department shall contract with two or more experienced housing nonprofit organizations that have the capacity to implement the housing communities program throughout the state.

**NEW SECTION. Sec. 18.** A new section is added to chapter 43.185 RCW to read as follows:

(1) The housing infrastructure program is created in the department to provide loans for public infrastructure that supports affordable rental housing or affordable owner-occupied housing.

(2) The department is authorized to make direct loans to eligible organizations for the cost of public works projects that support affordable rental housing or affordable owner-occupied housing, including the planning, construction, repair, reconstruction, replacement, rehabilitation, or improvement of sidewalks, streets and roads, bridges, power utilities, water systems, storm and sanitary sewage systems, and solid waste facilities. The department may also provide loans for the acquisition of real property when the acquisition is directly related to the development of public works projects for affordable rental or owner-occupied housing.

(3) Loan interest rates shall not exceed one-half of one percent per annum. The department must provide reasonable terms and conditions for repayment of loans, including partial forgiveness of loan principal and interest payments.

(4) The department shall conduct a statewide request for public works project applications and shall establish a competitive process for loan awards. The department shall review and prioritize proposals in consultation with the public works board, the community economic revitalization board, and the transportation improvement board. The following criteria must be used in the evaluation and ranking of public works project applications:

(a) The public works projects must support affordable rental housing or affordable owner-occupied housing; and

(b) The public works projects must demonstrate convincing evidence that (i) additional residential or mixed-use development will occur in an urban growth area designated under RCW 36.70A.110; (ii) the proposed mixed-use residential development is within one-half mile of a public transportation passenger terminal or major transit passenger stop; or (iii) that either moderate or high-density housing developments, or both, will be constructed.

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

(a) "Affordable owner-occupied housing" means housing affordable to and occupied by households with incomes not exceeding one hundred fifteen percent of the median income for housing located outside of high-cost areas or one hundred fifty percent of the median income for housing located within high-cost areas.

(b) "Affordable rental housing" means rental housing units affordable to and occupied by households with incomes not exceeding eighty percent of the median income for housing located outside of high-cost areas, or equal to the median income for housing located within high-cost areas.

(c) "High-cost area" means a county where the third quarter median house price for the previous year, as reported by the Washington center for real estate research at Washington State University, is equal to or greater than one hundred thirty percent of the statewide median house price published during the same time period.

**NEW SECTION. Sec. 19.** A new section is added to chapter 43.185 RCW to read as follows:

The affordable housing infrastructure account is created in the state treasury. All receipts from appropriations made to the account, repayments of loans made under section 18 of this act, and other sources identified by the legislature must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes identified in section 18 of this act.

**Sec. 20.** RCW 43.185C.005 and 2005 c 484 s 1 are each amended to read as follows:

Despite laudable efforts by all levels of government, private individuals, nonprofit organizations, and charitable foundations to end homelessness, the number of homeless persons and persons at risk of homelessness in Washington is unacceptably high. The state's homeless population, furthermore, includes a large number of families with children, youth, and employed persons. The legislature finds that the fiscal and societal costs of homelessness are high for both the public and private sectors, and that ending homelessness ~~((should))~~ must be a goal for state and local government.

The legislature finds that there are many causes of homelessness, including a shortage of affordable housing; a shortage of family-wage jobs which undermines housing affordability; a lack of an accessible and affordable health care system available to all who suffer from physical and mental illnesses and chemical and alcohol dependency; domestic violence; ~~((and))~~ a lack of education and job skills necessary to acquire adequate wage jobs in the economy of the twenty-first century; inadequate availability of services for citizens with mental disorders, chemical dependency disorders, or developmental disabilities living in the community; and the difficulties faced by formerly institutionalized persons in reintegrating to society and finding stable employment and housing.

The support and commitment of all sectors of the statewide community is critical to the chances of success in ending homelessness in Washington. While the provision of housing and housing-related services to the homeless should be administered at the local level to best address specific community needs, the legislature also recognizes the need for the state to play a primary coordinating, supporting, ~~((and))~~ monitoring, and evaluating role. There must be a clear assignment of responsibilities and a clear statement of achievable and quantifiable goals. Systematic statewide data collection on ~~((homelessness))~~ homeless individuals in Washington must be a critical component of such a program enabling the state to work with local governments not only to count all homeless people in the state, but to record and manage information about homeless persons ~~((and))~~ in order to assist them in finding housing and other supportive services that can help them, when possible, achieve the highest degree of self-sufficiency and economic

independence that is appropriate given their specific abilities and situations.

The systematic collection and rigorous evaluation of homeless data, a nationwide search for and implementation through adequate resource allocation of best practices, and the systematic measurement of progress toward interim goals and the ultimate goal of ending homelessness are all necessary components of a statewide effort to end homelessness in Washington by ~~((July 1, 2015))~~ December 31, 2018.

**Sec. 21.** RCW 43.185C.010 and 2007 c 427 s 3 are each amended to read as follows:

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

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

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

(3) "Homeless person" means an individual living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist. This definition includes substance abusers, people with mental illness, and sex offenders who are homeless.

(4) "Washington homeless census" or "census" means ~~((an annual))~~ a statewide census conducted at least annually as a collaborative effort by towns, cities, counties, community-based organizations, and state agencies, with the technical support and coordination of the department, to count and collect ~~((data on))~~ information about all homeless individuals in Washington.

(5) "Home security fund account" means the state treasury account receiving the state's portion of income from revenue from the sources established by RCW 36.22.179 (as recodified by this act), RCW 36.22.1791 (as recodified by this act), and all other sources directed to the homeless housing and assistance program.

~~((6))~~ "(Homeless housing) Ending homelessness grant program" means the ~~((vehicle by))~~ program established in RCW 43.185C.070, 43.185C.080, and 43.185C.090 under which competitive grants are awarded by the department, utilizing moneys from the ((homeless housing) home security fund account, to local governments for programs directly related to ((housing homeless individuals and families;)) addressing the root causes of homelessness, preventing homelessness, and collecting data and information on homeless individuals((, and other efforts directly related to housing homeless persons)).

(7) "Local government" means a county government in the state of Washington or a city government, if the legislative authority of the city affirmatively elects to accept the responsibility for housing homeless persons within its ~~((borders))~~ jurisdiction.

(8) "Housing continuum" means the progression of individuals along a housing-focused continuum with homelessness at one end and homeownership at the other.

(9) "Local ~~((homeless housing))~~ ending homelessness task force" means a voluntary local committee created under RCW 43.185C.160 to ((advise a local government on the creation of)) develop a local ((homeless housing)) ending homelessness plan and participate in a local ((homeless housing)) ending homelessness program. ((It must include a representative of the county, a representative of the largest city located within the county, at least one homeless or formerly homeless person, such other members as may be required to maintain eligibility for federal funding related to housing programs and

services and if feasible, a representative of a private nonprofit organization with experience in low-income housing;))

(10) "Long-term private or public housing" means subsidized and unsubsidized rental or owner-occupied housing in which there is no established time limit for habitation of less than two years.

(11) "Interagency council on homelessness" means a committee appointed by the governor and consisting of, at least, policy level representatives of the following entities: (a) The department of community, trade, and economic development; (b) the department of corrections; (c) the department of social and health services; (d) the department of veterans affairs; and (e) the department of health.

(12) "Performance measurement" means the process of comparing specific measures of success against ultimate and interim goals.

(13) "Performance evaluation" means the process of evaluating performance by established criteria according to the achievement of outlined goals, measures, targets, standards, or other outcomes, using a ranked scorecard from highest to lowest performance that employs a scale of one to one hundred, one hundred being the optimal score.

(14) "Quality management program" means a nationally recognized program using criteria similar or equivalent to the Baldrige criteria. Beginning in 2010, all local governments receiving over five hundred thousand dollars a year during the previous calendar year from: State housing-related funding sources, including the Washington housing trust fund; the ending homelessness program surcharges in RCW 36.22.179 and 36.22.1791 (as recodified by this act); and any surcharges in this chapter and the surcharges in RCW 36.22.178 (as recodified by this act), shall apply to the Washington state quality award program for an independent assessment of its quality management, accountability, and performance system, once every three years beginning by January 1, 2011.

(15) "Community action agency" means a nonprofit private or public organization established under the economic opportunity act of 1964.

~~((14))~~ (16) "Housing authority" means any of the public corporations created by chapter 35.82 RCW.

~~((15))~~ "Homeless housing" (17) "Ending homelessness program" means the program authorized under this chapter as administered by the department at the state level and by the local government or its designated subcontractor at the local level.

~~((16))~~ "Homeless housing" (18) "Local ending homelessness plan" means the ((ten-year)) plan developed by the ((county or other)) local government to address ((housing for homeless persons)) ending homelessness.

~~((17))~~ "Homeless housing" (19) "State ending homelessness strategic plan" means the ((ten-year)) plan developed by the department, in consultation with the interagency council on homelessness, the state advisory council on homelessness, and the affordable housing advisory board, to end homelessness.

~~((18))~~ (20) "Washington homeless client management information system" means a database of information about homeless individuals in the state used to coordinate resources to assist homeless clients to obtain and retain housing and reach greater levels of self-sufficiency or economic independence when appropriate, depending upon their individual situations.

(21) "Good family wage job" means a job that pays at or above one of the two self-sufficiency income standards established under section 36 of this act which for an individual means enough income to support one adult individual, and for a family means enough income to support two adult individuals, one preschool-aged child, and one school-aged child.

(22) "Unsheltered homeless" means a homeless individual or homeless individuals living outside or in a building not intended for human habitation or in which the individual or individuals have no legal right to occupy.

(23) "At risk of homelessness" means any low, very low, or extremely low-income individual or family residing in housing that is not affordable housing.

(24) "Transitional housing operating and rent program" means the program created in section 43 of this act to assist homeless individuals and families and individuals and families at risk of homelessness to secure and retain safe, decent, and affordable housing.

**Sec. 22.** RCW 43.185C.020 and 2005 c 484 s 5 are each amended to read as follows:

There is created within the department the ((homeless housing)) ending homelessness program to develop and ((coordinate)) implement a statewide ending homelessness strategic plan ((aimed at housing homeless persons)), coordinate and monitor local government ending homelessness plans and programs, and implement and manage an ending homelessness grant program. The ending homelessness program has an established short-term goal of reducing the homeless population statewide and in each county by seventy percent by July 1, 2015, and an ultimate goal of ending homelessness by December 31, 2018. The ending homelessness program ((shall be)) is developed and administered by the department with advice and input from the affordable housing advisory board established in RCW 43.185B.020 (as recodified by this act).

**Sec. 23.** RCW 43.185C.040 and 2005 c 484 s 7 are each amended to read as follows:

(1) ((Six months after the first Washington homeless census;)) The department shall, in consultation with the interagency council on homelessness, the state advisory council on homelessness, and the affordable housing advisory board, prepare and ((publish a ten-year homeless housing)) annually update a state ending homelessness strategic plan which ((shall)) must outline statewide goals and performance measures ((and shall be coordinated with the plan for homeless families with children required under RCW 43.63A.650: To guide local governments in preparation of their first local homeless housing plans due December 31, 2005, the department shall issue by October 15, 2005, temporary guidelines consistent with this chapter and including the best available data on each community's homeless population)) to meet the needs of all homeless populations, including chronic homeless, unsheltered homeless, short-term homeless, families, individuals, and youth, as well as to meet the needs of individuals and families at risk of homelessness. Local governments' ((ten-year homeless housing)) local ending homelessness plans ((shall not)) must include all of the performance measures included in the state ending homelessness strategic plan and must be substantially ((inconsistent)) consistent with the goals and program recommendations of ((the temporary guidelines and, when amended after 2005;)) the state ending homelessness strategic plan.

(2)(a) Program outcomes and performance measures and goals ((shall)) must be created by the department ((and reflected)) in consultation with the interagency council on homelessness and a task force established by the department consisting of the committee chairs of the appropriate committees of the legislature, representatives appointed by the director from a minimum of five local ending homelessness task forces representing both urban and rural areas and communities east and west of the Cascade mountains, and a representative from a statewide membership organization that

advocates for ending homelessness. All performance measures must have targets and timelines. The task force must also produce guidelines for local governments regarding methods, techniques, and data suggested to measure each performance measure. Performance measures, yearly targets, and corresponding measurement guidelines must be established by December 31, 2008, and must be reviewed annually by the department and the interagency council on homelessness after soliciting feedback from all local ending homelessness task forces. Performance measures must be included in the department's ((homeless housing)) state ending homelessness strategic plan ((as well as)) and all local ending homelessness plans.

(b) The department may determine a timeline for implementation and measurement of each performance measure for the state and local ending homelessness plans, except that the state and all local governments must implement and respond to all performance measures by December 31, 2010, unless the department finds that a performance measure is not applicable to a specific local area according to parameters and thresholds established by the department.

(c) Performance measures must be created, at a minimum, to gauge the success of the state and each local government in the following areas:

(i) The cost of ending homelessness in comparison with available and committed resources;

(ii) The total capital and service dollars required statewide and by county to meet the two goals outlined in RCW 43.185C.020, the assessment of which must include a determination of the current shortfall of funds as well as recommendations to reduce the total amount of funds determined to be needed to meet the goals;

(iii) The self-sufficiency of persons in Washington;

(iv) The achievement of an appropriate level of self-sufficiency for homeless individuals;

(v) The quality and completeness of the Washington homeless client management information system database;

(vi) The quality of the performance management systems of state agencies, local governments, and local government subcontractors executing programs, as authorized by RCW 43.185C.080(1), that contribute to the overall goal of ending homelessness; and

(vii) The quality of local ending homelessness plans.

Performance measurements are reported upon by city and county geography, including demographics with yearly or more frequent targets.

(3) Interim goals against which state and local governments' performance may be measured must also be described and reported upon in the state ending homelessness strategic plan, including:

(a) ((By the end of year one, completion of the first census as described in RCW 43.185C.030;

(b)) By the end of each subsequent year, goals common to all state and local programs which are measurable and the achievement of which would move that community toward housing its homeless population; ((and

(c)) (b) By July 1, 2015, reduction of the homeless population statewide and in each county by ((fifty)) seventy percent; and

(c) By December 31, 2018, the reduction of the homeless population statewide and in each county by one hundred percent, representing the end of homelessness in Washington.

((3)) (4) The department shall develop a consistent statewide data gathering instrument to monitor the performance of cities and counties receiving ending homelessness grants in order to determine compliance with the terms and conditions set forth in the ending homelessness grant application or required by the department.

(5) The department shall, in consultation with the interagency council on homelessness, the state advisory council on homelessness, and the affordable housing advisory board, report annually to the governor and the appropriate committees of the legislature ((an assessment of)) information about:

(a) All state programs addressing homeless housing and services;

(b) The state's performance in furthering the goals of the state ((ten-year homeless housing)) ending homelessness strategic plan; and

(c) The performance of each participating local government in creating and executing a local ((homeless housing)) ending homelessness plan ((which) that meets the requirements of this chapter. ((The annual report may include performance measures such as:

— (a) The reduction in the number of homeless individuals and families from the initial count of homeless persons;

— (b) The number of new units available and affordable for homeless families by housing type;

— (c) The number of homeless individuals identified who are not offered suitable housing within thirty days of their request or identification as homeless;

— (d) The number of households at risk of losing housing who maintain it due to a preventive intervention;

— (e) The transition time from homelessness to permanent housing;

— (f) The cost per person housed at each level of the housing continuum;

— (g) The ability to successfully collect data and report performance;

— (h) The extent of collaboration and coordination among public bodies, as well as community stakeholders, and the level of community support and participation;

— (i) The quality and safety of housing provided; and

— (j) The effectiveness of outreach to homeless persons, and their satisfaction with the program.

— (4)) (6) The state plan must also include a response to each recommendation included in the local plans for policy changes to assist in ending homelessness and a summary of the recommendations to the legislature to streamline and simplify all homeless planning and reporting requirements.

(7) Based on the performance of local ((homeless housing)) ending homelessness programs in meeting their interim goals, on general population changes and on changes in the homeless population recorded in the ((annual)) census, the department may revise the performance measures and goals of the state ((homeless housing strategic plan)) ending homelessness plans, set goals for years following the initial ten-year period, and recommend changes in local governments' ending homelessness plans.

**Sec. 24.** RCW 43.185C.050 and 2005 c 484 s 8 are each amended to read as follows:

(1)(a)(i) Each local ((homeless housing)) ending homelessness task force shall prepare and recommend to its local government legislative authority a ((ten-year homeless housing)) local ending homelessness plan for its jurisdictional area ((which shall be not inconsistent)) that is consistent with the department's ((statewide temporary guidelines, for the December 31, 2005, plan, and thereafter the department's ten-year homeless housing)) state ending homelessness strategic plan and ((which shall be)) is aimed at eliminating homelessness, with a minimum goal of reducing homelessness by ((fifty)) seventy percent by July 1, 2015, and an ultimate goal of ending homelessness by December 31, 2018. ((The

local government may amend the proposed local plan and shall adopt a plan by December 31, 2005. Performance in meeting the goals of this local plan shall be assessed annually in terms of the performance measures published by the department.)) Local governments must update their local ending homelessness plan annually on a schedule to be determined by the department.

(ii) Local plans must include specific strategic objectives and performance measures, consistent with the state plan, and must include corresponding action plans. Local plans must address identified strategies to meet the needs of all homeless populations, including chronic homeless, unsheltered homeless, short-term homeless, families, individuals, and youth, as well as to meet the needs of individuals and families at risk of homelessness. Local plans must specifically identify efforts to meet the needs of homeless students. Each local plan must include the total estimated cost of accomplishing the goals of the plan to reduce homelessness by seventy percent by July 1, 2015, and an ultimate goal of ending homelessness by December 31, 2018, and must include an accounting of total committed funds for this purpose.

(b)(i) The department must conduct an annual performance evaluation of each local plan by December 31st of each year beginning in 2008. The department must also conduct an annual performance evaluation of each local government's performance related to its local plan by December 31st of each year beginning in 2008. A local government's performance must be evaluated using, at a minimum, the performance measures outlined in RCW 43.185C.040(2).

(ii) In addition to the performance measures mandated in RCW 43.185C.040(2), local plans may include specific local performance measures adopted by the local government legislative authority(;) and ((may)) must include recommendations for ((any)) state legislation needed to meet the state or local plan goals. The recommendations must be specific and must, if funding is required, include an estimated amount of funding required and suggestions for an appropriate funding source.

(2) Eligible activities under the local plans include:

(a) Rental and furnishing of dwelling units for the use of homeless persons;

(b) Costs of developing affordable housing for homeless persons, and services for formerly homeless individuals and families residing in transitional housing or permanent housing and still at risk of homelessness;

(c) Operating subsidies for transitional housing or permanent housing serving formerly homeless families or individuals;

(d) Services to prevent homelessness, such as emergency eviction prevention programs, including temporary rental subsidies to prevent homelessness;

(e) Temporary services to assist persons leaving state institutions and other state programs to prevent them from becoming or remaining homeless;

(f) Outreach services for homeless individuals and families;

(g) Development and management of local ((homeless)) ending homelessness plans, including homeless census data collection(;) and information, identification of goals, performance measures, strategies, and costs, and evaluation of progress towards established goals;

(h) Rental vouchers payable to landlords for persons who are homeless or below thirty percent of the median income or in immediate danger of becoming homeless; ((and))

(i) Implementing a quality management program and applying to the Washington state quality award program for an independent assessment of quality management, accountability, and performance

systems or applying to the full examination Washington state quality award program; and

~~(j)~~ Other activities to reduce and prevent homelessness as identified for funding in the local plan.

**Sec. 25.** RCW 43.185C.070 and 2005 c 484 s 11 are each amended to read as follows:

(1) During each calendar year in which moneys from the ~~((homeless housing))~~ home security fund account are available for use by the department for the ~~((homeless housing))~~ ending homelessness grant program, the department shall announce to all Washington counties, participating cities, and through major media throughout the state, a grant application period of at least ninety days' duration. Grants may be awarded for programs directly related to addressing the root causes of homelessness, preventing homelessness, and collecting data and information on homeless individuals. Only a local government participating in the ending homelessness program is eligible to receive an ending homelessness grant. This announcement will be made as often as the director deems appropriate for proper utilization of resources. The department shall then promptly grant as many applications as will utilize available funds, less appropriate administrative costs of the department as described in RCW 36.22.179 (as recodified by this act).

(2) The department ~~((with))~~ shall develop, ~~((with advice and input from the affordable housing advisory board established in RCW 43.185B.020))~~ in consultation with the interagency council on homelessness, criteria to evaluate grant applications.

(3) The department may approve only those applications ~~((only if they))~~ that are consistent with the local and state ~~((homeless housing program strategie))~~ ending homelessness plans. The department may give preference to applications based on some or all of the following criteria:

(a) The total homeless population in the applicant local government service area, as reported by the most recent ~~((annual))~~ Washington homeless census;

(b) Current local expenditures to provide housing for the homeless and to address the underlying causes of homelessness as described in RCW 43.185C.005;

(c) Local government and private contributions pledged to the program in the form of matching funds, property, infrastructure improvements, and other contributions; and the degree of leveraging of other funds from local government or private sources for the program for which funds are being requested, to include recipient contributions to total project costs, including allied contributions from other sources such as professional, craft, and trade services, and lender interest rate subsidies;

(d) ~~((Construction projects or rehabilitation that will serve homeless individuals or families for a period of at least twenty-five years;~~

~~—(e) Projects which demonstrate serving homeless populations with the greatest needs, including projects that serve special needs populations;~~

~~—(f)) The degree to which the applicant project represents a collaboration between local governments, nonprofit community-based organizations, local and state agencies, and the private sector((; especially through its integration with the coordinated and comprehensive plan for homeless families with children required under RCW 43.63A.650));~~

~~((g))~~ (e) The cooperation of the local government in the ~~((annual))~~ Washington homeless census ~~((project));~~

~~((h))~~ (f) The number of homeless censuses or other homeless counts conducted by the local government beyond the annual census requirement;

~~(g)~~ The commitment of the local government and any subcontracting local governments, nonprofit organizations, and for-profit entities to employ a diverse work force and pay wages at or above the self-sufficiency standard;

~~(h)~~ The commitment of the local government to apply to the Washington state quality award program for an independent assessment of its quality management, accountability, and performance system or apply to the full examination Washington state quality award program;

(i) The extent that a local government's subcontractors commit to apply to the Washington state quality award program for an independent assessment of their quality management, accountability, and performance systems or apply to the full examination Washington state quality award program;

~~(j)~~ The extent, if any, that the local homeless population is disproportionate to the revenues collected under this chapter and RCW 36.22.178 and 36.22.179 (as recodified by this act); and

~~((j))~~ (k) Other elements shown by the applicant to be directly related to the goal and the department's state ending homelessness strategic plan.

**Sec. 26.** RCW 43.185C.080 and 2005 c 484 s 12 are each amended to read as follows:

(1) ~~((Only a local government is eligible to receive a homeless housing grant from the homeless housing account. Any city may assert responsibility for homeless housing within its borders if it so chooses, by forwarding a resolution to the legislative authority of the county stating its intention and its commitment to operate a separate homeless housing program. The city shall then receive a percentage of the surcharge assessed under RCW 36.22.179 equal to the percentage of the city's local portion of the real estate excise tax collected by the county. A participating city may also then apply separately for homeless housing program grants. A city choosing to operate a separate homeless housing program shall be responsible for complying with all of the same requirements as counties and shall adopt a local homeless housing plan meeting the requirements of this chapter for county local plans. However, the city may by resolution of its legislative authority accept the county's homeless housing task force as its own and based on that task force's recommendations adopt a homeless housing plan specific to the city.~~

~~—(2))~~ Local governments ~~((applying for homeless housing funds))~~ may subcontract with any other local government, housing authority, community action agency, or other nonprofit organization for the execution of programs contributing to the overall goal of ending homelessness within a defined service area. All subcontracts ~~((shall))~~ must be consistent with the local ~~((homeless housing))~~ ending homelessness plan adopted by the legislative authority of the local government, time limited, and filed with the department, and ~~((shall))~~ must have specific performance terms. Local governments must strongly encourage all subcontractors under the ending homelessness program to apply to the Washington state quality award program for an independent assessment of their quality management, accountability, and performance systems or apply to the full examination Washington state quality award program. While a local government has the authority to subcontract with other entities, the local government continues to maintain the ultimate responsibility for the ~~((homeless housing))~~ ending homelessness program within its ~~((borders))~~ jurisdiction.

~~((3))~~ (2) A county may decline to participate in the program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution ~~((shall))~~ must also be transmitted to the county auditor and treasurer. If ~~((such a))~~ the resolution is adopted, all of the funds otherwise due to the county under RCW ~~((43.185C.060 shall))~~ 36.22.179 and 36.22.1791 (as recodified by this act), minus funds due to any city that has chosen to participate through the process established in subsection (3) of this section, must be remitted monthly to the state treasurer for deposit in the ((homeless housing)) home security fund account, without any reduction by the county for collecting or administering the funds. Upon receipt of the resolution, the department shall promptly begin to identify and contract with one or more entities eligible under this section to create and execute a local ((homeless housing)) ending homelessness plan for the county meeting the requirements of this chapter. The department shall expend all of the funds received from the county under this subsection to carry out the purposes of this chapter ((484, Laws of 2005)) in the county, ((provided that)) but the department may retain six percent of these funds to offset the cost of managing the county's program.

(3) Any city may assert responsibility for homeless housing within its borders, by forwarding a resolution to the legislative authority of the county stating its intention and its commitment to operate a separate ending homelessness program. A city choosing to operate a separate ending homelessness program receives a percentage of the surcharges assessed under RCW 36.22.179 and 36.22.1791 (as recodified by this act) equal to the percentage of the city's local portion of the real estate excise tax collected by the county. A participating city may also then apply separately for ending homelessness grants. A city choosing to operate a separate ending homelessness program must comply with all of the same requirements as counties and shall adopt a local ending homelessness plan meeting the requirements of this chapter for local ending homelessness plans.

(4) A resolution by the county declining to participate in the program ~~((shall have))~~ has no effect on the ~~((ability))~~ authority of each city in the county to assert its right to manage its own program under this chapter, and the county shall monthly transmit to the city the funds due under ~~((this chapter))~~ RCW 36.22.179 and 36.22.1791 (as recodified by this act).

**Sec. 27.** RCW 43.185C.090 and 2005 c 484 s 13 are each amended to read as follows:

The department shall allocate ending homelessness grant moneys from the ((homeless housing)) home security fund account to finance in whole or in part programs and projects in approved local ((homeless housing)) ending homelessness plans ((to assist homeless individuals and families gain access to adequate housing, prevent at-risk individuals from becoming homeless, address the root causes of homelessness, track and report on homeless-related data, and facilitate the movement of homeless or formerly homeless individuals along the housing continuum toward more stable and independent housing)) for programs directly related to addressing the root causes of homelessness, preventing homelessness, and collecting data and information on homeless individuals. The department may issue criteria or guidelines to guide local governments in the application process.

**Sec. 28.** RCW 43.185C.100 and 2005 c 484 s 14 are each amended to read as follows:

The department shall provide technical assistance to any participating local government that requests such assistance. Technical assistance activities may include:

(1) Assisting local governments to identify appropriate parties to participate on local ((homeless housing)) ending homelessness task forces;

(2) Assisting local governments to identify appropriate service providers with which the local governments may subcontract for service provision and development activities, when necessary;

(3) Assisting local governments to implement or expand homeless census programs to meet ((homeless housing)) ending homelessness program requirements;

(4) Assisting local governments in the local implementation and updating of the homeless client management information system as required in RCW 43.185C.180;

(5) Assisting local governments to apply to the Washington state quality award program for an independent assessment of their quality management, accountability, and performance systems or apply to the full examination Washington state quality award program;

(6) Assisting local governments to strongly encourage all subcontractors to apply to the Washington state quality award program for an independent assessment of their quality management, accountability, and performance systems or apply to the full examination Washington state quality award program;

(7) Assisting local governments to create quality ending homelessness plans;

(8) Assisting in the identification of "best practices" from other areas;

~~((5))~~ (9) Assisting in identifying additional funding sources for specific projects; and

~~((6))~~ (10) Training local government and subcontractor staff, including quality management training.

**Sec. 29.** RCW 43.185C.130 and 2005 c 484 s 17 are each amended to read as follows:

The department shall ensure that the state's interest is protected upon the development, use, sale, or change of use of projects constructed, acquired, or financed in whole or in part through the ~~((homeless housing)) ending homelessness grant program.~~ These policies may include, but are not limited to: (1) Requiring a share of the appreciation in the project in proportion to the state's contribution to the project, or (2) requiring a lump sum repayment of the grant upon the sale or change of use of the project.

**Sec. 30.** RCW 43.185C.160 and 2005 c 485 s 1 are each amended to read as follows:

(1) Each county shall create ~~((a homeless housing))~~ an ending homelessness task force to develop a ((ten-year homeless housing)) ending homelessness plan addressing short-term and long-term services and housing ((for homeless persons)) to prevent and reduce homelessness by seventy percent by July 1, 2015, and to achieve the ultimate goal of ending homelessness by December 31, 2018.

Membership on the task force may include representatives of the counties, cities, towns, housing authorities, civic and faith organizations, schools, community networks, human services providers, law enforcement personnel, criminal justice personnel, including prosecutors, probation officers, and jail administrators, substance abuse treatment providers, mental health care providers, emergency health care providers, businesses, at-large representatives of the community, and a homeless or formerly homeless individual.

In lieu of creating a new task force, a local government may designate an existing governmental or nonprofit body ~~((which))~~ that

substantially conforms to this section and ~~((which))~~ includes at least one homeless or formerly homeless individual to serve as its homeless representative. As an alternative to a separate plan, two or more local governments may work in concert to develop and execute a joint ~~((homeless housing))~~ local ending homelessness plan, or to contract with another entity to do so according to the requirements of this chapter. While a local government has the authority to subcontract with other entities, the local government continues to maintain the ultimate responsibility for the ~~((homeless housing))~~ ending homelessness program within its borders.

~~((A county may decline to participate in the program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution shall also be transmitted to the county auditor and treasurer. If a county declines to participate, the department shall create and execute a local homeless housing plan for the county meeting the requirements of this chapter.))~~

(2) In addition to developing a ~~((ten-year homeless housing))~~ local ending homelessness plan, each task force shall establish guidelines consistent with the statewide ~~((homeless housing))~~ ending homelessness strategic plan, as needed, for the following:

- (a) Emergency shelters;
- (b) Short-term housing needs;
- (c) Temporary encampments;
- (d) Rental voucher programs;
- (e) Timely housing opportunities for unsheltered homeless;
- (f) Supportive housing for chronically homeless persons; ~~((and~~
- ~~((g))~~ (g) Long-term housing; and
- (h) Prevention services.

Guidelines must include, when appropriate, standards for health and safety and notifying the public of proposed facilities to house the homeless.

(3) Each county ~~((including counties exempted from creating a new task force under subsection (1) of this section;))~~ shall report to the department of community, trade, and economic development ~~((such))~~ any information ~~((as may be))~~ needed to ensure compliance with this chapter.

**Sec. 31.** RCW 43.185C.900 and 2005 c 484 s 2 are each amended to read as follows:

This chapter may be known and cited as the ending homelessness ~~((housing and assistance))~~ act.

**Sec. 32.** RCW 36.22.179 and 2007 c 427 s 4 are each amended to read as follows:

(1) In addition to the surcharge authorized in RCW 36.22.178 ~~((as recodified by this act))~~, and except as provided in subsection (2) of this section, an additional surcharge of ten dollars shall be charged by the county auditor for each document recorded, which will be in addition to any other charge allowed by law. The funds collected pursuant to this section are to be distributed and used as follows:

(a) The auditor shall retain two percent for collection of the fee, and of the remainder shall remit sixty percent to the county to be deposited into a fund that must be used by the county and its cities and towns to accomplish the purposes of this chapter, six percent of which may be used by the county for administrative costs related to its ~~((homeless housing))~~ ending homelessness plan, and the remainder for programs which directly accomplish the goals of the county's local ~~((homeless housing))~~ ending homelessness plan, except that for each city in the county which elects as authorized in RCW 43.185C.080 to operate its own local ~~((homeless housing))~~ ending homelessness program, a percentage of the surcharge assessed under

this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's local ~~((homeless housing))~~ ending homelessness plan; of the funds received by the city, it may use six percent for administrative costs for its ~~((homeless housing))~~ ending homelessness program.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account. The department may use twelve and one-half percent of this amount for administration of the program established in RCW 43.185C.020, including the costs of creating the statewide ~~((homeless housing))~~ ending homelessness strategic plan, measuring performance, providing technical assistance to local governments, and managing the ~~((homeless housing))~~ ending homelessness grant program. The remaining eighty-seven and one-half percent is to be used by the department to:

(i) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; and emergency shelter assistance; and

(ii) Fund the ~~((homeless housing))~~ ending homelessness grant program.

(2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

**Sec. 33.** RCW 36.22.1791 and 2007 c 427 s 5 are each amended to read as follows:

(1) In addition to the surcharges authorized in RCW 36.22.178 and 36.22.179 ~~((as recodified by this act))~~, and except as provided in subsection (2) of this section, the county auditor shall charge an additional surcharge of eight dollars for each document recorded, which is in addition to any other charge allowed by law. The funds collected under this section are to be distributed and used as follows:

(a) The auditor shall remit ninety percent to the county to be deposited into a fund six percent of which may be used by the county for administrative costs related to its ~~((homeless housing))~~ ending homelessness plan, and the remainder for programs that directly accomplish the goals of the county's local ~~((homeless housing))~~ ending homelessness plan, except that for each city in the county that elects, as authorized in RCW 43.185C.080, to operate its own ~~((homeless housing))~~ ending homelessness program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county must be transmitted at least quarterly to the city treasurer for use by the city for program costs that directly contribute to the goals of the city's ~~((homeless housing))~~ ending homelessness plan.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account. The department may use the funds for administering the program established in RCW 43.185C.020, including the costs of creating and updating the statewide ~~((homeless housing))~~ ending homelessness strategic plan, measuring performance, providing technical assistance to local governments, and managing the ~~((homeless housing))~~ ending homelessness grant program. Remaining funds may also be used to:

(i) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; and emergency shelter assistance; and



(ii) Fund the (~~homeless housing~~) ending homelessness grant program.

(2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

**Sec. 34.** RCW 43.185C.170 and 2006 c 349 s 7 are each amended to read as follows:

(1) The interagency council on homelessness, as defined in RCW 43.185C.010, shall (~~be convened not later than~~) convene by August 31, 2006, and shall meet at least two times each year and report to the appropriate committees of the legislature annually by December 31st on its activities.

(2) The interagency council on homelessness shall work to create greater levels of interagency coordination and to coordinate state agency efforts with the efforts of state and local entities addressing homelessness.

(3) The interagency council on homelessness must respond to all state and local legislative and policy recommendations included in the state and local ending homelessness plans. The interagency council must annually present its strategy for addressing the issues raised to the appropriate committees of the legislature and must also include a report on the actions taken to date that address these issues.

(4) The interagency council shall seek to:

(a) Align homeless-related housing and supportive service policies among state agencies;

(b) Identify ways in which providing housing with appropriate services can contribute to cost savings for state agencies;

(c) Identify policies and actions that may contribute to homelessness or interfere with its reduction;

(d) Review and improve strategies for discharge from state institutions that contribute to homelessness;

(e) Recommend policies to either improve practices or align resources, or both, including those policies requested by the affordable housing advisory board or through state and local housing plans; and

(f) Ensure that the housing status of people served by state programs is collected in consistent formats available for analysis.

**Sec. 35.** RCW 43.185C.180 and 2006 c 349 s 8 are each amended to read as follows:

(1) In order to improve services for the homeless, the department, within amounts appropriated by the legislature for this specific purpose, shall implement the Washington homeless client management information system for the ongoing collection and updates of information about all homeless individuals in the state.

(2) Information about homeless individuals for the Washington homeless client management information system shall come from the Washington homeless census (~~and~~), from state agencies, and from community organizations providing services to homeless individuals and families. Personally identifying information about homeless individuals for the Washington homeless client management system may only be collected after having obtained informed, reasonably time limited written consent from the homeless individual to whom the information relates. Data collection (~~shall~~) must be done in a manner consistent with federally informed consent guidelines regarding human research which, at a minimum, require that individuals be informed about the expected duration of their participation, an explanation of whom to contact for answers to pertinent questions about the data collection and their rights regarding their personal identifying information, an explanation regarding whom to contact in the event of injury to the individual related to the homeless client survey, a description of any reasonably

foreseeable risks to the homeless individual, and a statement describing the extent to which confidentiality of records identifying the individual will be maintained.

(3) The Washington homeless client management information system shall serve as an online information and referral system to enable local governments and providers to connect homeless persons in the database with available housing and other support services. Local governments shall develop a capacity for continuous case management, including independent living plans, when appropriate, to assist homeless persons.

(4) The information in the Washington homeless client management information system will also provide the department with the information to consolidate and analyze data about the extent and nature of homelessness in Washington state, giving emphasis to information about the extent and nature of homelessness in Washington state among families with children.

(5) The system may be merged with other data gathering and reporting systems and shall:

(a) Protect the right of privacy of individuals;

(b) Provide for consultation and collaboration with all relevant state agencies, including the department of social and health services, experts, and community organizations involved in the delivery of services to homeless persons; and

(c) Include related information held or gathered by other state agencies.

(6) Within amounts appropriated by the legislature, for this specific purpose, the department shall evaluate the information gathered and disseminate the analysis and the evaluation broadly, using appropriate computer networks as well as written reports.

(7) The Washington homeless client management information system (~~shall~~) must be implemented by December 31, 2009, and updated with new homeless client information at least (~~annually~~) twice each year.

**NEW SECTION. Sec. 36.** A new section is added to chapter 43.185C RCW to read as follows:

The department shall contract with the employment security department to annually establish two self-sufficiency income standards based upon the cost of living, including housing costs, which include mortgage or rent payments and utilities other than telephone, for each county in the state. The self-sufficiency income standards must be based upon the costs needed to support: (1) One adult individual; and (2) two adult individuals and one preschool-aged child and one school-aged child. These income standards will be translated into an equivalent hourly wage rate assuming one full-year, full-time earner for the self-sufficiency income standards for each county. The self-sufficiency income standards must be presented to the legislature by December 31, 2009. The employment security department must spend no more than one hundred ten thousand dollars in creating the initial self-sufficiency income standards and no more than fifty-five thousand dollars annually to update the standards. The employment security department shall deliver a report to the department and the appropriate committees of the legislature that details the number and percentage of individuals statewide and in each county who do not have a good family wage job and, as a result, earn less than the self-sufficiency income standards, as well as the number and percentage of individuals statewide and in each county who have a good family wage job and, as a result, earn an amount equivalent to or more than the self-sufficiency income standards.

**Sec. 37.** RCW 43.185B.030 and 1993 c 478 s 6 are each amended to read as follows:

The affordable housing advisory board shall:

(1) Analyze those solutions and programs that could begin to address the state's need for housing that is affordable for all economic segments of the state, and special needs populations, including but not limited to programs or proposals which provide for:

(a) Financing for the acquisition, rehabilitation, preservation, or construction of housing;

(b) Use of publicly owned land and buildings as sites for affordable housing;

(c) Coordination of state initiatives with federal initiatives and financing programs that are referenced in the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701 et seq.), as amended, and development of an approved housing strategy as required in the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701 et seq.), as amended;

(d) Identification and removal, where appropriate and not detrimental to the public health and safety, or environment, of state and local regulatory barriers to the development and placement of affordable housing;

(e) Stimulating public and private sector cooperation in the development of affordable housing; and

(f) Development of solutions and programs affecting housing, including the equitable geographic distribution of housing for all economic segments, as the advisory board deems necessary;

(2) Consider both homeownership and rental housing as viable options for the provision of housing. The advisory board shall give consideration to various types of residential construction and innovative housing options, including but not limited to manufactured housing;

(3) Review, evaluate, and make recommendations regarding existing and proposed housing programs and initiatives including but not limited to tax policies, land use policies, and financing programs. The advisory board shall provide recommendations to the director, along with the department's response in the annual housing report to the legislature required in RCW 43.185B.040 (as recodified by this act); and

(4) Prepare and submit to the director and to the legislature, by each December 1st, beginning December 1, 1993, a report ~~((detailing its))~~ that (a) details the board's findings and (b) discusses the measurable relationship between jobs paying less than the self-sufficiency standard, established under section 36 of this act, and housing affordability, and make specific program, legislative, and funding recommendations and any other recommendations it deems appropriate.

**NEW SECTION. Sec. 38.** A new section is added to chapter 43.185C RCW to read as follows:

The joint legislative audit and review committee shall conduct two performance audits of the ending homelessness program. The first audit must be conducted by December 31, 2010. The second audit must be conducted by December 31, 2014. Each audit must take no longer than six months or one hundred thousand dollars to complete.

**Sec. 39.** RCW 43.20A.790 and 1999 c 267 s 2 are each amended to read as follows:

(1) The department of social and health services shall collaborate with the department ~~((of community, trade, and economic development))~~ in the development of ~~((the))~~ a coordinated and comprehensive plan for homeless families with children ~~((required~~

~~under RCW 43.63A.650, which designates the department of community, trade, and economic development as the state agency with primary responsibility for providing shelter and housing services to homeless families with children. In fulfilling its responsibilities to collaborate with the department of community, trade, and economic development pursuant to RCW 43.63A.650;)) that must be integrated into the state ending homelessness strategic plan created in RCW 43.185C.040. The department of social and health services shall develop, administer, supervise, and monitor its portion of the plan~~((= The department's portion of the plan shall)), which must~~ contain at least the following elements:~~

(a) Coordination or linkage of services with shelter and housing;

(b) Accommodation and addressing the needs of homeless families in the design and administration of department programs;

(c) Participation of the department's local offices in the identification, assistance, and referral of homeless families; and

(d) Ongoing monitoring of the efficiency and effectiveness of the plan's design and implementation.

(2) The department shall include community organizations involved in the delivery of services to homeless families with children, and experts in the development and ongoing evaluation of the plan.

~~((3) The duties under this section shall be implemented within amounts appropriated for that specific purpose by the legislature in the operating and capital budgets.))~~

**Sec. 40.** RCW 36.18.010 and 2007 c 523 s 2 are each amended to read as follows:

County auditors or recording officers shall collect the following fees for their official services:

(1) For recording instruments, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar. The fee for recording multiple transactions contained in one instrument will be calculated for each transaction requiring separate indexing as required under RCW 65.04.050 as follows: The fee for each title or transaction is the same fee as the first page of any additional recorded document; the fee for additional pages is the same fee as for any additional pages for any recorded document; the fee for the additional pages may be collected only once and may not be collected for each title or transaction;

(2) For preparing and certifying copies, for the first page eight and one-half by fourteen inches or less, three dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

(3) For preparing noncertified copies, for each page eight and one-half by fourteen inches or less, one dollar;

(4) For administering an oath or taking an affidavit, with or without seal, two dollars;

(5) For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

(6) For searching records per hour, eight dollars;

(7) For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

(8) For recording of miscellaneous records not listed above, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

(9) For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170;

(10) For recording an emergency nonstandard document as provided in RCW 65.04.047, fifty dollars, in addition to all other applicable recording fees;

(11) For recording instruments, a two-dollar surcharge to be deposited into the Washington state heritage center account created in RCW 43.07.129;

(12) For recording instruments, a surcharge as provided in RCW 36.22.178 (as recodified by this act); (~~and~~)

(13) For recording instruments, except for documents recording a birth, marriage, divorce, or death or any documents otherwise exempted from a recording fee under state law, a surcharge as provided in RCW 36.22.179 (as recodified by this act); and

(14) For recording instruments, except for documents recording a birth, marriage, divorce, or death or any documents otherwise exempted from a recording fee under state law, a surcharge as provided in RCW 36.22.1791 (as recodified by this act).

**Sec. 41.** RCW 43.185C.150 and 2005 c 484 s 21 are each amended to read as follows:

This chapter does not require either the department or any local government to expend any funds to accomplish the goals of this chapter other than the revenues authorized in chapter 484, Laws of 2005 and the revenues authorized in RCW 36.22.1791 (as recodified by this act). However, neither the department nor any local government may use any funds authorized in chapter 484, Laws of 2005 or the revenues authorized in RCW 36.22.1791 (as recodified by this act) to supplant or reduce any existing expenditures of public money for the reduction or prevention of homelessness or services for homeless persons.

NEW SECTION. **Sec. 42.** The department of community, trade, and economic development shall contract with the Washington institute for public policy to conduct a study to determine the most effective, accurate, and comprehensive way for counties and the state of Washington to measure and evaluate the societal cost of homelessness. The department shall not spend more than one hundred thousand dollars on the study, and the results of the study must be presented to the appropriate committees of the legislature by June 30, 2009.

NEW SECTION. **Sec. 43.** (1) The transitional housing operating and rent program is created in the department to assist individuals and families who are homeless or who are at risk of becoming homeless to secure and retain safe, decent, and affordable housing. The department shall provide grants to eligible organizations, as described in RCW 43.185.060, to provide assistance to program participants. The eligible organizations must use grant moneys for:

(a) Rental assistance, which includes security or utility deposits, first and last month's rent assistance, and eligible moving expenses to be determined by the department;

(b) Case management services designed to assist program participants to secure and retain immediate housing and to transition into permanent housing and greater levels of self-sufficiency;

(c) Operating expenses of transitional housing facilities that serve homeless families with children; and

(d) Administrative costs of the eligible organization, which must not exceed limits prescribed by the department.

(2) Eligible to receive assistance through the transitional housing operating and rent program are:

(a) Families with children who are homeless or who are at risk of becoming homeless and who have household incomes at or below fifty percent of the median household income for their county;

(b) Families with children who are homeless or who are at risk of becoming homeless and who are receiving services under chapter 13.34 RCW;

(c) Individuals or families without children who are homeless or at risk of becoming homeless and who have household incomes at or below thirty percent of the median household income for their county;

(d) Individuals or families who are homeless or who are at risk of becoming homeless and who have a household with an adult member who has a mental health or chemical dependency disorder; and

(e) Individuals or families who are homeless or who are at risk of becoming homeless and who have a household with an adult member who is an offender released from confinement within the past eighteen months.

(3) All program participants must be willing to create and actively participate in a housing stability plan for achieving permanent housing and greater levels of self-sufficiency.

(4) Data on all program participants must be entered into and tracked through the Washington homeless client management information system as described in RCW 43.185C.180. For eligible organizations serving victims of domestic violence or sexual assault, compliance with this subsection must be accomplished in accordance with 42 U.S.C. Sec. 11383 (a)(8).

(5) Beginning in 2011, each eligible organization receiving over five hundred thousand dollars during the previous calendar year from the transitional housing operating and rent program and from sources including: (a) State housing-related funding sources; (b) the affordable housing for all surcharge in RCW 36.22.178 (as recodified by this act); (c) the home security fund surcharges in RCW 36.22.179 and 36.22.1791 (as recodified by this act); and (d) any other surcharge imposed under chapter 36.22 or 43.185C RCW to fund homelessness programs or other housing programs, shall apply to the Washington state quality award program for an independent assessment of its quality management, accountability, and performance system, once every three years.

(6) The department may develop rules, requirements, procedures, and guidelines as necessary to implement and operate the transitional housing operating and rent program.

(7) The department shall produce an annual transitional housing operating and rent program report that must be included in the department's affordable housing for all plan as described in RCW 43.185B.040 (as recodified by this act). The report must include performance measures to be determined by the department that address, at a minimum, the following issue areas:

(a) The success of the program in helping program participants transition into permanent affordable housing and increase their levels of self-sufficiency;

(b) The financial performance of the program related to efficient program administration by the department and program operation by

selected eligible organizations, including an analysis of the costs per program participant served;

(c) The quality, completeness, and timeliness of the information on program participants provided to the Washington homeless client management information system database; and

(d) The satisfaction of program participants in the assistance provided through the program.

**NEW SECTION. Sec. 44.** The transitional housing operating and rent account is created in the custody of the state treasurer. All receipts from sources directed to the transitional housing operating and rent program must be deposited into the account. Expenditures from the account may be used solely for the purpose of the transitional housing operating and rent program as described in section 43 of this act. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 45.** RCW 59.18.600 (Rental to offenders--Limitation on liability) and 2007 c 483 s 602 are each repealed.

**NEW SECTION. Sec. 46.** RCW 36.22.179, 36.22.1791, 43.20A.790, and 43.63A.650 are each recodified as sections in chapter 43.185C RCW.

**NEW SECTION. Sec. 47.** RCW 36.22.178, 43.185A.100, 43.185B.020, and 43.185B.040 are each recodified as sections in chapter 43.--- RCW (created in section 48 of this act).

**NEW SECTION. Sec. 48.** Sections 1 through 4, 6 through 10, 12, 43, and 44 of this act constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 49.** The code reviser shall alphabetize and renumber the definitions in RCW 43.185C.010.

**NEW SECTION. Sec. 50.** If specific funding for the purposes of sections 1 through 13, 43, and 44 of this act, referencing sections 1 through 13, 43, and 44 of this act by bill or chapter number and section number, is not provided by June 30, 2008, in the omnibus appropriations act, sections 1 through 13, 43, and 44 of this act are null and void."

Correct the title.

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

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

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

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

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

Representative Armstrong 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 Senate Bill No. 5959, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5959, as amended by the House, and the bill passed the House by the following vote: Yeas - 65, Nays - 29, Absent - 0, Excused - 4.

Voting yea: Representatives Appleton, Barlow, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunn, Dunshee, Eddy, Ericks, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Lantz, Lias, Linville, Loomis, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schual-Berke, Seaquist, Sells, Simpson, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Williams, Wood and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Chandler, Condotta, Crouse, DeBolt, Ericksen, Haler, Hankins, Herrera, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Roach, Rodne, Ross, Schindler, Schmick, Smith, Walsh and Warnick - 29.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5959, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6426, By Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Hobbs, Shin, Swecker, Rasmussen, Fairley, Berkey, Rockefeller, Eide, Schoesler, Fraser, Kauffman, Kohl-Welles and McAuliffe)**

**Enacting the Interstate Compact on Educational Opportunity for Military Children. (REVISED FOR PASSED LEGISLATURE: Creating a task force to review and make recommendations regarding the Interstate Compact on Educational Opportunity for Military Children.)**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was adopted. (For Committee amendment, see Journal, 47th Day, February 29, 2008.)

With the consent of the House, amendment (1411) was withdrawn.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6426, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6426, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

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

Voting nay: Representative Dunn - 1.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SUBSTITUTE SENATE BILL NO. 6426, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6340, By Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Rockefeller, Morton, Sheldon, Swecker, Hobbs, Berkey and Kilmer)**

**Providing for a water system acquisition and rehabilitation program.**

The bill was read the second time.

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

Representatives Ormsby and McDonald spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6340.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6340 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Lias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SUBSTITUTE SENATE BILL NO. 6340, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6570, By Senate Committee on Government Operations & Elections (originally sponsored by Senators Fairley, Roach, Benton and Oemig; by request of Parks and Recreation Commission)**

**Regarding private business activities in state-owned housing provided by the department of fish and wildlife or the parks and recreation commission.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Affairs was adopted. (For Committee amendment, see Journal, 45th Day, February 27, 2008.)

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6570, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6570, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Fromhold, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Schual-Berke, Seaquist, Sells, Simpson, Smith, Sommers, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 94.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6570, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6760, By Senate Committee on Ways & Means (originally sponsored by Senators Regala, Zarelli, Rasmussen, Roach and Fairley)**

**Concerning the developmental disabilities trust account. (REVISED FOR PASSED LEGISLATURE: Regarding the developmental disabilities community trust account.)**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Capital Budget was before the House for purpose of amendment. (For Committee amendment, see Journal, 50th Day, March 3, 2008.)

With the consent of the House, amendment (1521) was withdrawn.

Representative Kagi moved the adoption of amendment (1524) to the committee amendment:

On page 1, beginning on line 22, after "periodic payments" strike "for use of real property"

Representatives Kagi and McDonald spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Chase moved the adoption of amendment (1528) to the committee amendment:

On page 1 of the striking amendment, strike all material after line 2 and insert the following:

"**Sec. 1.** RCW 71A.20.170 and 2005 c 353 s 1 are each amended to read as follows:

(1) The developmental disabilities community trust account is created in the state treasury. All net proceeds from the use of excess property identified in the 2002 joint legislative audit and review committee capital study or other studies of the division of developmental disabilities residential habilitation centers at Lakeland Village, Yakima Valley school, Francis Hadden Morgan Center, and Rainier school that would not impact current residential habilitation center operations must be deposited into the account. ~~((Income))~~

(2) Proceeds may come from the lease of the land, conservation easements, sale of timber, or other activities short of sale of the property.

(3) "Excess property" includes that portion of the property at Rainier school previously under the cognizance and control of Washington State University for use as a dairy/forage research facility. ~~((Proceeds include the net receipts from the use of all or a portion of the properties.))~~

(4) Only investment income from the principal of the proceeds deposited into the trust account may be spent from the account. For purposes of this section, "investment income" includes lease payments, rent payments, or other periodic payments deposited into the trust account. For purposes of this section, "principal" is the actual excess land from which proceeds are assigned to the trust account.

(5) Moneys in the account may be spent only after appropriation. Expenditures from the account shall be used exclusively to provide family support and/or employment/day services to eligible persons with developmental disabilities who can be served by community-based developmental disability services. It is the intent of the legislature that the account should not be used to replace, supplant, or reduce existing appropriations.

~~((2) The department shall report on its efforts and strategies to provide income to the developmental disabilities community trust account from the excess property identified in subsection (1) of this section from the lease of the property, sale of timber, or other activity short of sale of the property. The department shall report by June 30, 2006))~~

~~((3))~~ (6) The account shall be known as the Dan Thompson memorial developmental disabilities community trust account."

Representatives Chase, Fromhold, McDonald and Kagi spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

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

Representatives Fromhold and McDonald spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6760, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6760, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

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

Voting nay: Representative Dunn - 1.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6760, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6333, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Kohl-Welles, Marr and McAuliffe)**

**Establishing a citizens' work group on health care.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, 51st Day, March 4, 2008.)

Representative Hinkle moved the adoption of amendment (1534) to the committee amendment:

On page 2, line 24 of the amendment, after "(1)" strike "On or before" and insert "After"

Representatives Hinkle and Cody spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Condotta moved the adoption of amendment (1531) to the committee amendment:

On page 6, after line 9, insert the following:  
"NEW SECTION. Sec. 4. This act shall be known and cited as "number sixteen."  
 Renumber the remaining section consecutively.

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

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

The amendment to the committee amendment was not adopted.

The committee amendment as amended was adopted.

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

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

Representatives Hinkle, Walsh, Alexander, Ericksen, Bailey and Condotta spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6333, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6333, as amended by the House, and

the bill passed the House by the following vote: Yeas - 63, Nays - 31, Absent - 0, Excused - 4.

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

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Chandler, Condotta, Crouse, DeBolt, Dunn, Ericksen, Haler, Hankins, Herrera, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schindler, Schmick, Smith, Walsh and Warnick - 31.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6333, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6573, By Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Brandland, Kauffman, Delvin, Benton, Roach, McAuliffe and Rasmussen; by request of LEOFF Plan 2 Retirement Board)**

**Providing additional revenues for public safety.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, 51st Day, March 4, 2008.)

With the consent of the House, amendment (1522) was withdrawn.

Representative Ericks moved the adoption of amendment (1519):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that local governments need additional revenues to provide public safety resources in order to protect the citizens of Washington from fire and crime. The legislature finds that the current benefit formula and contributions for the law enforcement officers' and firefighters' plan 2 are inadequate to modify that formula in recognition of the shorter working careers for firefighters and police officers. The legislature

recognizes that although some officers and firefighters are able to work comfortably beyond twenty-five years, the combat nature of fire suppression and law enforcement generally require earlier retirement ages. In recognition of the physical demands of the professions and the inherent risks faced by law enforcement officers and firefighters, eligibility for retirement in the law enforcement officers' and firefighters' plan 2 system has been set at age fifty-three. However, the benefit formula is designed for careers of thirty-five to forty years, making retirement at age fifty-three an unrealistic option for many.

Therefore, the legislature declares that it is the purpose of this act to provide local government public safety employers and the law enforcement officers' and firefighters' plan 2 pension plan with additional shared revenues when general state revenues exceed by more than five percent the previous fiscal biennium's revenue.

**NEW SECTION. Sec. 2.** A new section is added to chapter 41.26 RCW to read as follows:

The local public safety enhancement account is created in the state treasury. Moneys in the account may be spent only after appropriation. All receipts from section 4 of this act must be deposited into the account. Expenditures from the account may be used as follows:

(1) Following appropriation, fifty percent of the money in the account shall be transferred to the law enforcement officers' and firefighters' retirement system benefits improvement account established in section 3 of this act.

(2) Following appropriation, the balance shall be distributed by the state treasurer to all jurisdictions with law enforcement officers' and firefighters' plan 2 members. Each year, the department of retirement systems will determine each jurisdiction's proportionate share of funds based on the number of plan 2 members each jurisdiction has on June 1st of the prior year divided by the total number of plan 2 members in the system. The department of retirement systems shall provide the distribution allocation to the state treasurer. Distributions by the state treasurer shall be made annually each January 1st with one-half of the appropriation being distributed in the first year of the appropriation and any remainder the following year. If an appropriation is made for a single fiscal year, the entire appropriation shall be distributed the following January 1st. Jurisdictions that contract with other eligible jurisdictions for law enforcement services or fire protection services must agree on the distribution of funds between the contracting parties and must inform the department of retirement systems as to how the distribution is to be made. Distributions will continue to be made under the terms of the agreement until the department of retirement systems is notified by the eligible jurisdiction of any agreement revisions. If there is no agreement within six months of the distribution date, the moneys lapse to the state treasury. Moneys distributed from the balance of the public safety enhancement account may be used for the following purposes: (a) Criminal justice, including those where an ancillary benefit to the civil justice occurs, and includes domestic violence programs; (b) information and assistance to parents and families dealing with at-risk or runaway youth; or (c) public safety.

**NEW SECTION. Sec. 3.** A new section is added to chapter 41.26 RCW to read as follows:

(1) The local law enforcement officers' and firefighters' retirement system benefits improvement account (benefits account) is created within the law enforcement officers' and firefighters' retirement system plan 2 fund. All receipts from section 2(1) of this act must be deposited into the account.



(2) The funds in the benefits account shall not be included by the actuary retained by the board in the calculation of the market value of assets of the law enforcement officers' and firefighters' retirement system plan 2 fund until the board directs the actuary retained by the board in writing to do so for purposes of financing benefits enacted by the legislature. The board shall, in consultation with the state investment board and within ninety days of the transfer of funds into the benefits account, provide the actuary retained by the board, in writing, the market value of the amount directed from the benefits account for inclusion in the calculation of the market value of assets of the law enforcement officers' and firefighters' retirement system plan 2 fund. The market value of the amount directed from the benefits account shall be an amount determined by the state actuary to sufficiently offset the unfunded actuarial accrued liabilities of benefit improvements financed from this account. The market value of the amount directed from the benefits account shall be determined as of the date of the direction from the board to include this amount for purposes of financing benefits enacted by the legislature.

(3) The law enforcement officers' and firefighters' plan 2 retirement board shall administer the fund in an actuarially sound manner.

(4) The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the benefits account. The state investment board is authorized to adopt investment policies for the money in the benefits account. All investment and operating costs associated with the investment of money within the benefits account shall be paid pursuant to RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investment of the money shall be retained by the benefits account.

(5) All investments made by the state investment board shall be made with the exercise of that degree of judgment and care pursuant to RCW 43.33A.140 and the investment policy established by the state investment board.

(6) When appropriate for investment purposes, the state investment board may commingle money in the fund with other funds.

(7) The authority to establish all policies relating to the benefits account, other than the investment policies set forth in this section, resides with the law enforcement officers' and firefighters' plan 2 retirement board. Other than investments by and expenses of the state investment board, disbursements from this fund may be made only on the authorization of the law enforcement officers' and firefighters' plan 2 retirement board for purposes of funding the member, employer, and state cost of financing benefits enacted by the legislature.

(8) The state investment board shall routinely consult with and communicate with the law enforcement officers' and firefighters' plan 2 retirement board on the investment policy, earnings of the trust, and related needs of the benefits account.

(9) Funds in the benefits account cannot be used to finance future benefit improvements if the state actuary determines that the actuarial present value of fully projected benefits for current and future members for all benefits being financed from this account exceeds the actuarial present value of the revenue provided under section 4 of this act and the accrued earnings of the benefits account. When making the determination under this subsection, the state actuary shall select assumptions and methods to reduce the risk that the actual revenue received is less than the assumed revenue.

**NEW SECTION. Sec. 4.** A new section is added to chapter 41.26 RCW to read as follows:

(1) By September 30, 2011, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer five million dollars to the local public safety enhancement account.

(2) By September 30, 2013, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer ten million dollars to the local public safety enhancement account.

(3) By September 30, 2015, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer twenty million dollars to the local public safety enhancement account.

(4) By September 30, 2017, and by September 30 of each odd-numbered year thereafter, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer the lesser of one-third of the increase, or fifty million dollars, to the local public safety enhancement account.

**Sec. 5.** RCW 41.26.720 and 2003 c 2 s 5 are each amended to read as follows:

(1) The board of trustees have the following powers and duties and shall:

(a) Adopt actuarial tables, assumptions, and cost methodologies in consultation with an enrolled actuary retained by the board. The state actuary shall provide assistance when the board requests. The actuary retained by the board shall utilize the aggregate actuarial cost method, or other recognized actuarial cost method based on a level percentage of payroll, as that term is employed by the American academy of actuaries. The actuary retained by the board shall adjust the actuarial cost method to recognize the actuarial present value of future revenue that will be included in the calculation of the market value of assets pursuant to section 3(2) of this act, using the methods and assumptions employed by the state actuary in section 3(9) of this act. In determining the reasonableness of actuarial valuations, assumptions, and cost methodologies, the actuary retained by the board shall provide a copy of all such calculations to the state actuary. If the two actuaries concur on the calculations, contributions shall be made as set forth in the report of the board's actuary. If the two actuaries cannot agree, they shall appoint a third, independent, enrolled actuary who shall review the calculations of the actuary retained by the board and the state actuary. Thereafter, contributions shall be based on the methodology most closely following that of the third actuary;

(b)(i) Provide for the design and implementation of increased benefits for members and beneficiaries of the plan, subject to the contribution limitations under RCW 41.26.725. An increased benefit may not be approved by the board until an actuarial cost of the benefit has been determined by the actuary and contribution rates adjusted as may be required to maintain the plan on a sound actuarial basis. Increased benefits as approved by the board shall be presented to the legislature on January 1st of each year. The increased benefits as approved by the board shall become effective within ninety days unless a bill is enacted in the next ensuing session of the legislature, by majority vote of each house of the legislature, repealing the action of the board;

(ii) As an alternative to the procedure in (b)(i) of this subsection, recommend to the legislature changes in the benefits for members and beneficiaries, without regard to the cost limitations in RCW 41.26.725(3). Benefits adopted in this manner shall have the same contractual protections as the minimum benefits in the plan. The recommendations of the board shall be presented to the legislature on January 1st of each year. These measures shall take precedence over all other measures in the legislature, except appropriations bills, and shall be either enacted or rejected without change or amendment by the legislature before the end of such regular session;

(c) Retain professional and technical advisors necessary for the accomplishment of its duties. The cost of these services may be withdrawn from the trust;

(d) Consult with the department for the purpose of improving benefit administration and member services;

(e) Provide an annual report to the governor and the legislature setting forth the actuarial funding status of the plan and making recommendations for improvements in those aspects of retirement administration directed by the legislature or administered by the department;

(f) Establish uniform administrative rules and operating policies in the manner prescribed by law;

(g) Engage administrative staff and acquire office space independent of, or in conjunction with, the department. The department shall provide funding from its budget for these purposes;

(h) ~~((The board shall publish [Publish]))~~ Publish on an annual basis a schedule of increased benefits together with a summary of the minimum benefits as established by the legislature which shall constitute the official plan document; and

(i) Be the fiduciary of the plan and discharge the board's duties solely in the interest of the members and beneficiaries of the plan.

(2) Meetings of the board of trustees shall be conducted as follows:

(a) All board meetings are open to the public, preceded by timely public notice;

(b) All actions of the board shall be taken in open public session, except for those matters which may be considered in executive session as provided by law;

(c) The board shall retain minutes of each meeting setting forth the names of those board members present and absent, and their voting record on any voted issue; and

(d) The board may establish, with the assistance of the appropriate office of state government, an internet web site providing for interactive communication with state government, members and beneficiaries of the plan, and the public.

(3) A quorum of the board is six board members. All board actions require six concurring votes.

(4) The decisions of the board shall be made in good faith and are final, binding, and conclusive on all parties. The decisions of the board shall be subject to judicial review as provided by law.

(5) A law enforcement officers' and firefighters' retirement system plan 2 expense fund is established for the purpose of defraying the expenses of the board. The board shall cause an annual budget to be prepared consistent with the requirements of chapter 43.88 RCW and shall draw the funding for the budget from the investment income of the trust. Board members shall be reimbursed for travel and education expenses as provided in RCW 43.03.050 and 43.03.060. The board shall make an annual report to the governor, legislature, and state auditor setting forth a summary of the costs and expenditures of the plan for the preceding year. The board shall also retain the services of an independent, certified public accountant who

shall annually audit the expenses of the fund and whose report shall be included in the board's annual report."

Correct the title.

Representative Ericks moved the adoption of amendment (1523) to amendment (1519):

On page 2, line 33, after "public safety." insert "Money distributed from the account shall not supplant existing funds used for these purposes. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year prior to the first distribution from the account. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, change in contract provisions beyond the control of the jurisdiction receiving the services, and major capital expenditures."

Representatives Ericks spoke in favor of the adoption of the amendment to amendment (1519).

The amendment to amendment (1519) was adopted.

Amendment (1519) as amended was adopted.

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

Representatives Ericks, Alexander, Hinkle, Conway and Hunter spoke in favor of the passage of the bill.

Representative Sommers spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6573, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6573, as amended by the House, and the bill passed the House by the following vote: Yeas - 82, Nays - 12, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Barlow, Blake, Campbell, Chase, Clibborn, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Goodman, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jarrett, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Liias, Linville, Loomis, McCoy, McCune, McDonald, McIntire, Miloscia, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schindler, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege,

Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker - 82.

Voting nay: Representatives Anderson, Chandler, Cody, Condotta, Eddy, Flannigan, Fromhold, Kagi, Lantz, Moeller, Schual-Berke and Sommers - 12.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6573, as amended by the House, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT MEMORIAL NO. 4034, By Representatives Kessler, DeBolt, Kenney, Ericksen, Grant, Springer, Santos, Ross, Morris, Conway, Moeller, Schual-Berke, Lantz, Crouse, Flannigan, Alexander, Rolfes, Kristiansen, Liias, Smith, Barlow, Priest, Kelley, Ericks, Kagi, Blake, Hurst, Pearson, McIntire, Loomis, Roach, Skinner, Haler, Linville, Haigh, Appleton, Quall, Wood, Armstrong, McCune, Walsh, Bailey, Hankins, Warnick, Herrera, Eddy, Dunshee, Condotta, Hinkle, O'Brien, Schindler, Kretz, Ahern, Rodne, Sump, Dunn, Takko, Hudgins, Wallace, Jarrett, Chandler, Miloscia, Orcutt, Upthegrove, Sells, Newhouse, Seaquist, Williams, Simpson, Campbell, Pedersen, Fromhold, Nelson, McCoy, Hunt, Green, Goodman, Darneille, McDonald, Chase, Chopp, Clibborn, Cody, Dickerson, Eickmeyer, Hailey, Hasegawa, Hunter, Kirby, Morrell, Ormsby, Pettigrew, Roberts, Schmick, Sommers, Sullivan and Van De Wege**

**Requesting the United States Congress to reconsider and halt the procurement of foreign-made tankers for use by the United States Air Force.**

The joint memorial was read the second time.

There being no objection, Substitute House Joint Memorial No. 4034 was substituted for House Joint Memorial No. 4034 and the substitute joint memorial was placed on the second reading calendar.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4034 was read the second time.

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

Representatives Kessler, DeBolt, Kenney, Chase, Campbell, Bailey, Darneille and Liias spoke in favor of passage of the joint memorial.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Joint Memorial No. 4034.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4034 and the joint memorial passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

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

Voting nay: Representative Anderson - 1.

Excused: Representatives Eickmeyer, Hailey, Skinner and Sump - 4.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4034, having received the necessary constitutional majority, was declared passed.

There being no objection, the bills listed on the Second Reading calendar were referred to the Committee on Rules.

- SENATE BILL NO. 5319,
- SUBSTITUTE SENATE BILL NO. 5628,
- THIRD SUBSTITUTE SENATE BILL NO. 5743,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5746,
- SUBSTITUTE SENATE BILL NO. 5929,
- SECOND SUBSTITUTE SENATE BILL NO. 6227,
- SUBSTITUTE SENATE BILL NO. 6241,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6308,
- SUBSTITUTE SENATE BILL NO. 6316,
- SENATE BILL NO. 6321,
- SUBSTITUTE SENATE BILL NO. 6341,
- SENATE BILL NO. 6358,
- SUBSTITUTE SENATE BILL NO. 6453,
- SUBSTITUTE SENATE BILL NO. 6498,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6502,
- SUBSTITUTE SENATE BILL NO. 6548,
- SUBSTITUTE SENATE BILL NO. 6569,
- SENATE BILL NO. 6576,
- SUBSTITUTE SENATE BILL NO. 6675,
- ENGROSSED SENATE BILL NO. 6744,
- SECOND SUBSTITUTE SENATE BILL NO. 6775,
- SUBSTITUTE SENATE BILL NO. 6851,
- ENGROSSED SENATE BILL NO. 6868,
- SENATE BILL NO. 6912,

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

There being no objection, the House adjourned until 10:00  
a.m., March 8, 2008, the 55th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk