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SIXTY-FIRST LEGISLATURE - REGULAR SESSION

EIGHTY EIGHTH DAY

House Chamber, Olympia, Thursday, April 9, 2009

April 9, 2009

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

Mr. Speaker:

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Hope Grant-Herriot and Joseph Simpson. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Dennis Christianson, Evergreen Christian Community, Olympia.

The President has signed the following:

- SENATE BILL NO. 5017,
- SUBSTITUTE SENATE BILL NO. 5195,
- SENATE BILL NO. 5233,
- SUBSTITUTE SENATE BILL NO. 5271,
- SENATE BILL NO. 5284,
- SENATE BILL NO. 5305,
- SENATE BILL NO. 5315,
- SENATE BILL NO. 5322,
- SUBSTITUTE SENATE BILL NO. 5327,
- SUBSTITUTE SENATE BILL NO. 5343,
- SUBSTITUTE SENATE BILL NO. 5350,
- SENATE BILL NO. 5426,
- SUBSTITUTE SENATE BILL NO. 5434,
- SENATE BILL NO. 5695,
- SENATE BILL NO. 5699,
- SENATE BILL NO. 5767,
- SUBSTITUTE SENATE BILL NO. 5793,
- SENATE BILL NO. 5980,
- SUBSTITUTE SENATE BILL NO. 5987,
- SUBSTITUTE SENATE BILL NO. 6000,
- SUBSTITUTE SENATE BILL NO. 6024,
- SENATE JOINT MEMORIAL NO. 8003,

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

MESSAGE FROM THE SENATE

April 8, 2009

Mr. Speaker:

The Senate has passed:

- SUBSTITUTE HOUSE BILL NO. 1565,
- SUBSTITUTE HOUSE BILL NO. 1621,
- SUBSTITUTE HOUSE BILL NO. 1663,
- SUBSTITUTE HOUSE BILL NO. 1825,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1939,
- SUBSTITUTE HOUSE BILL NO. 2095,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

HB 2337 by Representative Chase

AN ACT Relating to aerospace competitiveness; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Community & Economic Development & Trade.

HB 2338 by Representative Hunt

AN ACT Relating to the administration and operations of growth management hearings boards; amending RCW 36.70A.260, 36.70A.270, and 36.70A.290; adding new sections to chapter 36.70A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

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

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

- SUBSTITUTE HOUSE BILL NO. 1010
- ENGROSSED HOUSE BILL NO. 1053
- HOUSE BILL NO. 1257
- SUBSTITUTE HOUSE BILL NO. 1271
- HOUSE BILL NO. 1273
- HOUSE BILL NO. 1281
- SUBSTITUTE HOUSE BILL NO. 1303
- ENGROSSED HOUSE BILL NO. 1311
- SUBSTITUTE HOUSE BILL NO. 1323
- HOUSE BILL NO. 1324
- HOUSE BILL NO. 1375
- HOUSE BILL NO. 1380
- SUBSTITUTE HOUSE BILL NO. 1435
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1441
- HOUSE BILL NO. 1474
- HOUSE BILL NO. 1478
- HOUSE BILL NO. 1492
- HOUSE BILL NO. 1506
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512
- SUBSTITUTE HOUSE BILL NO. 1565
- HOUSE BILL NO. 1567

MESSAGE FROM THE SENATE

ENGROSSED HOUSE BILL NO. 1568
 HOUSE BILL NO. 1596
 SUBSTITUTE HOUSE BILL NO. 1518
 SUBSTITUTE HOUSE BILL NO. 1621
 SUBSTITUTE HOUSE BILL NO. 1663
 SUBSTITUTE HOUSE BILL NO. 1692
 SUBSTITUTE HOUSE BILL NO. 1808
 SUBSTITUTE HOUSE BILL NO. 1825
 HOUSE BILL NO. 1826
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1939
 SUBSTITUTE HOUSE BILL NO. 2013
 SUBSTITUTE HOUSE BILL NO. 2095
 SUBSTITUTE HOUSE BILL NO. 2214
 SENATE BILL NO. 5017
 SUBSTITUTE SENATE BILL NO. 5195
 SENATE BILL NO. 5233
 SUBSTITUTE SENATE BILL NO. 5271
 SENATE BILL NO. 5284
 SENATE BILL NO. 5305
 SENATE BILL NO. 5315
 SENATE BILL NO. 5322
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 SENATE BILL NO. 5695
 SENATE BILL NO. 5699
 SENATE BILL NO. 5767
 SUBSTITUTE SENATE BILL NO. 5793
 SENATE BILL NO. 5980
 SUBSTITUTE SENATE BILL NO. 5987
 SUBSTITUTE SENATE BILL NO. 6000
 SUBSTITUTE SENATE BILL NO. 6024
 SENATE JOINT MEMORIAL NO. 8003

The Speaker called upon Representative Morris to preside.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5273, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Murray, Jacobsen, McDermott, Franklin and Kohl-Welles)

Regarding the practice of landscape architecture.

The bill was read the second time.

Representative Ormsby moved the adoption of amendment (532):

On page 7, line 3, after "licensed" strike "architect;" insert "landscape architect; or"

On page 7, line 4, after "(b)" strike all material through "board" on line 13 and insert "Have a high school diploma or equivalent and eight years' practical landscape architectural work experience, which may include landscape design as a principal activity and post-secondary education approved by the board. At least six years of work experience must be under the direct supervision of a registered or licensed landscape architect. An applicant may receive up to two years of practical landscape architectural work experience for post-secondary education courses in landscape architecture, landscape

architectural technology, or a related field, including courses in a community or technical college, if the courses are equivalent to education courses in an accredited landscape architectural degree program"

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

Amendment (532) 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 Conway spoke in favor of the passage of the bill.

Representative 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 Substitute Senate Bill No. 5273, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5273, as amended by the House, and the bill passed the House by the following vote: Yeas, 62; Nays, 36; Absent, 0; Excused, 0.

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

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Erickson, Flannigan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, Orcutt, Pearson, Priest, Quall, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

SUBSTITUTE SENATE BILL NO. 5273, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE SENATE BILL NO. 5273.

JIM MCCUNE, 2nd District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE SENATE BILL NO. 5273.

TROY KELLEY, 28th District

SECOND READING

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Jarrett, Hewitt, Delvin, Jacobsen, Shin and Pflug)

Providing for the 2008-2018 state comprehensive plan for workforce training.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education was adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

Representative Probst moved the adoption of amendment (511):

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

"WHEREAS, The legislature recommends that the next update to the 2008-2018 state comprehensive plan for workforce training, "High Skills, High Wages", include an emphasis upon jobs that build the green economy and a strong focus on making Washington a global leader in technology and manufacturing for the renewable energy industry; and"

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

Representative Anderson spoke against the adoption of the amendment.

Amendment (511) 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 Wallace and Anderson 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 Concurrent Resolution No. 8404, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8404, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5510, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Swecker and Shin)

Regarding notification in dependency matters.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Children's Services was before the House for purpose of amendment. (For committee amendment, see Journal, Day 78, March 30, 2009.)

Representative Goodman moved the adoption of amendment (534) to the committee amendment:

On page 14, beginning on line 24 of the amendment, after "shall" strike all material through "consequences" on line 30 and insert "consider factors affecting the best interests of the child, including the child's history and attachment status and how separation from primary caregivers has affected the child. The court shall enter one of the following orders for the child"

Representatives Goodman and Haler spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (534) 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 Roberts and Haler 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. 5510, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5510, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy,

McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5510, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5513, by Senate Committee on Transportation (originally sponsored by Senators Jarrett, Swecker, Delvin, Marr, Kilmer and Tom)

Concerning law enforcement authority that relates to civil infractions and unlawful transit conduct.

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, Day 78, March 30, 2009.)

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 Roach 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. 5513, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5513, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Darneille and Green.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5513, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5571, by Senate Committee on Ways & Means (originally sponsored by Senators Oemig and Kohl-Welles)

Requiring the use of electronic methods for taxes administered by the department of revenue, including filing of taxes, payment of taxes, assessment of taxes, and other taxpayer information.

The bill was read the second time.

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

Representatives Hunter and Orcutt 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. 5571.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5571, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5571, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5613, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Keiser, Franklin, Kline, McDermott, Tom and Fraser)

Authorizing the department of labor and industries to issue stop work orders for violations of certain workers' compensation provisions.

The bill was read the second time.

Representative Condotta moved the adoption of amendment (535):

On page 1, line 13, after "may" insert ", upon a showing of immediate necessity to ensure compliance with RCW 51.14.010,"

On page 1, line 16, after "section." insert "The stop work order must state the date and time of the service of the order, specify the

nature of the violation in plain language, and explain how to request reconsideration or file an appeal as provided in this section."

On page 2, line 14, after "ten" insert "business"

On page 2, line 16, after "ten" insert "business"

On page 2, line 24, after "employer." strike all material through "section." on line 27 and insert the following:

"(6) Except as otherwise provided in this subsection, RCW 51.52.080 through 51.52.106 govern appeals under this section. Within ten business days of receipt of an appeal, the board must conduct a hearing at which time the department must demonstrate: (a) A high probability that the employer violated RCW 51.14.010, and (b) that it is necessary to ensure compliance with RCW 51.14.010 that work be immediately stopped. If the board finds that the department has failed to demonstrate a high probability that the employer violated RCW 51.14.010 and that it is necessary to ensure compliance with RCW 51.14.010 that work be immediately stopped, the board must release the order and the department must immediately refund all penalties paid. Nothing in this subsection precludes the department from proceeding with any action, other than a stop work order, against the employer.

(7) If an employer prevails in an appeal before the board of industrial insurance appeals or on judicial review, the board or court, as the case may be, shall award the employer reasonable attorneys' fees, and costs. The board or court, as the case may be, shall also award, at the employer's choice: (a) Liquidated damages in the amount of five thousand dollars or one thousand dollars per covered worker identified, whichever is greater; or (b) actual damages. For purposes of this subsection, "actual damages" means all economic loss suffered by the employer for any day or days during which work was stopped due to a stop work order, including lost profits, lost wages, penalties paid, and interest."

Renumber the subsections consecutively and correct any internal references accordingly.

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

Representative Conway spoke against the adoption of the amendment.

Amendment (535) was not adopted.

Representative Condotta moved the adoption of amendment (531):

On page 2, after line 31, insert the following:

"(6) If an employer prevails in an appeal before the board of industrial insurance appeals or on judicial review, the board or court, as the case may be, shall award to the employer actual damages, costs, and reasonable attorneys' fees. For purposes of this subsection, "actual damages" means all economic loss suffered by the employer for any day or days during which work was stopped due to a stop work order, including lost profits, lost wages, penalties paid, and interest."

Renumber the sections consecutively and correct any internal references accordingly.

Representatives Condotta, Chandler, Ericksen, Smith, Armstrong, Orcutt, Bailey, Condotta (again), Klippert and Angel spoke in favor of the adoption of the amendment.

Representatives Conway, Conway (again) and Wood spoke against the adoption of the amendment.

Division was demanded and the demand was sustained.

The Speaker divided the House. The result was 48 – YEAS; 50 – NAYS.

Amendment (535) was not 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 Conway spoke in favor of the passage of the bill.

Representatives Condotta and Armstrong 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. 5613, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5613, as amended by the House, and the bill passed the House by the following vote: Yeas, 60; Nays, 38; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5613, 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.

SECOND READING

SENATE BILL NO. 5015, by Senators Franklin, Hargrove and Kauffman

Concerning foster parent licensing.

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 Roberts and Walsh 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. 5015.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5015 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5015, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5166, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Stevens and Kline)

Modifying the child support license suspension program. Revised for 1st Substitute: Modifying license suspension provisions for the failure to pay child support.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, Day 73, March 25, 2009.)

Representative Shea moved the adoption of amendment (529):

On page 4, line 10, after "hunting license," insert "occupational licenses, such as a"

On page 4, line 12, after "possess" insert ", and suspension of a license by the department of fish and wildlife may also affect the parent's ability to obtain permits, such as special hunting permits, issued by the department"

Representative Shea moved the adoption of the amendment.

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

Amendment (529) 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 Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5166, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5166, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5166, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5356, by Senators Haugen and Jacobsen

Regarding direct retail licenses issued by the department of fish and wildlife.

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 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 Senate Bill No. 5356.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5356 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks,

Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5356, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5440, by Senate Committee on Transportation (originally sponsored by Senators Sheldon, Kauffman, Kline, Roach and McDermott)

Involving tribal governments when choosing names for state ferries. Revised for 1st Substitute: Concerning the naming or renaming of state ferries.

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, Day 73, March 25, 2009.)

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, Armstrong and Seaquist spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5440, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5440, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5440, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5504, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Fraser, Honeyford, Rockefeller, Marr, Kline and Morton)

Concerning reclaimed water permitting.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For committee amendment, see Journal, Day 73, March 25, 2009.)

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 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 Substitute Senate Bill No. 5504, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5504, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5504, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5528, by Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove)

Making technical nonsubstantive corrections to the initial point of contact program established in chapter 496, Laws of 2007.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, Day 73, March 25, 2009.)

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5528, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5528, as amended by the House, and the bill passed the House by the following vote: Yeas, 76; Nays, 22; Absent, 0; Excused, 0.

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

Voting nay: Representatives Angel, Armstrong, Condotta, Cox, Crouse, DeBolt, Ericksen, Haler, Herrera, Hinkle, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Schmick, Shea, Short and Warnick.

SUBSTITUTE SENATE BILL NO. 5528, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5665, by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Berkey, Benton, Franklin, Parlette, Hobbs and Shin)

Authorizing a joint self-insurance program for two or more affordable housing entities or nonprofit entities. Revised for 1st Substitute: Authorizing a joint self-insurance program for two or more affordable housing entities.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Financial Institutions & Insurance was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

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 Kirby and Bailey 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. 5665, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5665, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Anderson.

SUBSTITUTE SENATE BILL NO. 5665, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5776, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators McDermott, Schoesler, Fairley, Oemig, Jarrett and Kohl-Welles)

Regarding student fees, charges, and assessments.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

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, Hunt (again), Williams and Appleton spoke in favor of the passage of the bill.

Representatives Armstrong, Alexander, Chandler, Armstrong (again), Ericksen and Anderson spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5775, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5776, as amended by the House, and the bill passed the House by the following vote: Yeas, 60; Nays, 38; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5776, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE SENATE BILL NO. 5776.

CHRISTOPHER HURST, 31st District

SECOND READING

ENGROSSED SENATE BILL NO. 5810, by Senators Kauffman, Berkey, Shin, Franklin, Keiser, Tom and Kohl-Welles

Concerning foreclosures on deeds of trust.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5810, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5810, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler,

Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SENATE BILL NO. 5810, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5834, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles and Holmquist)

Regarding alcoholic beverage regulation.

The bill was read the second time.

Representative Conway moved the adoption of amendment (538):

On page 1, after line 5, insert the following:

"Sec. 1. RCW 66.04.010 and 2008 c 94 s 4 are each amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term "alcohol" does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

(2) "Authorized representative" means a person who:

(a) Is required to have a federal basic permit issued pursuant to the federal alcohol administration act, 27 U.S.C. Sec. 204;

(b) Has its business located in the United States outside of the state of Washington;

(c) Acquires ownership of beer or wine for transportation into and resale in the state of Washington; and which beer or wine is produced (~~anywhere~~) by a brewery or winery in the United States outside of the state of Washington (~~by a brewery or winery which does not hold a certificate of approval issued by the board~~); and

(d) Is appointed by the brewery or winery referenced in (c) of this subsection as its (~~exclusive~~) authorized representative for marketing and selling its products within the United States in accordance with a written agreement between the authorized representative and such brewery or winery pursuant to this title. (~~The board may waive the requirement for the written agreement of exclusivity in situations consistent with the normal marketing practices of certain products, such as classified growths.~~)

(3) "Beer" means any malt beverage, flavored malt beverage, or malt liquor as these terms are defined in this chapter.

(4) "Beer distributor" means a person who buys beer from a domestic brewery, microbrewery, beer certificate of approval holder, or beer importers, or who acquires foreign produced beer from a source outside of the United States, for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

(5) "Beer importer" means a person or business within Washington who purchases beer from a beer certificate of approval holder or who acquires foreign produced beer from a source outside of the United States for the purpose of selling the same pursuant to this title.

(6) "Brewer" or "brewery" means any person engaged in the business of manufacturing beer and malt liquor. Brewer includes a brand owner of malt beverages who holds a brewer's notice with the federal bureau of alcohol, tobacco, and firearms at a location outside the state and whose malt beverage is contract-produced by a licensed in-state brewery, and who may exercise within the state, under a domestic brewery license, only the privileges of storing, selling to licensed beer distributors, and exporting beer from the state.

(7) "Board" means the liquor control board, constituted under this title.

(8) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic or social purposes, and not for pecuniary gain.

(9) "Confection" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts, dairy products, or flavorings, in the form of bars, drops, or pieces.

(10) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

(11) "Contract liquor store" means a business that sells liquor on behalf of the board through a contract with a contract liquor store manager.

(12) "Craft distillery" means a distillery that pays the reduced licensing fee under RCW 66.24.140.

(13) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.32 RCW.

(14) "Distiller" means a person engaged in the business of distilling spirits.

(15) "Domestic brewery" means a place where beer and malt liquor are manufactured or produced by a brewer within the state.

(16) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

(17) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to chapter 18.64 RCW.

(18) "Drug store" means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

(19) "Employee" means any person employed by the board.

(20) "Flavored malt beverage" means:

(a) A malt beverage containing six percent or less alcohol by volume to which flavoring or other added nonbeverage ingredients are added that contain distilled spirits of not more than forty-nine percent of the beverage's overall alcohol content; or

(b) A malt beverage containing more than six percent alcohol by volume to which flavoring or other added nonbeverage ingredients are added that contain distilled spirits of not more than one and one-half percent of the beverage's overall alcohol content.

(21) "Fund" means 'liquor revolving fund.'

(22) "Hotel" means buildings, structures, and grounds, having facilities for preparing, cooking, and serving food, that are kept, used, maintained, advertised, or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests. The buildings, structures, and grounds must be located on adjacent property either owned or leased by the same person or persons.

(23) "Importer" means a person who buys distilled spirits from a distillery outside the state of Washington and imports such spirituous liquor into the state for sale to the board or for export.

(24) "Imprisonment" means confinement in the county jail.

(25) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

(26) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

(27) "Malt beverage" or "malt liquor" means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as "strong beer."

(28) "Package" means any container or receptacle used for holding liquor.

(29) "Passenger vessel" means any boat, ship, vessel, barge, or other floating craft of any kind carrying passengers for compensation.

(30) "Permit" means a permit for the purchase of liquor under this title.

(31) "Person" means an individual, copartnership, association, or corporation.

(32) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.71 RCW.

(33) "Prescription" means a memorandum signed by a physician and given by him to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

(34) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned

bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

(35) "Regulations" means regulations made by the board under the powers conferred by this title.

(36) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

(37) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his agent in the state. "Sale" and "sell" shall not include the giving, at no charge, of a reasonable amount of liquor by a person not licensed by the board to a person not licensed by the board, for personal use only. "Sale" and "sell" also does not include a raffle authorized under RCW 9.46.0315: PROVIDED, That the nonprofit organization conducting the raffle has obtained the appropriate permit from the board.

(38) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

(39) "Spirits" means any beverage which contains alcohol obtained by distillation, except flavored malt beverages, but including wines exceeding twenty-four percent of alcohol by volume.

(40) "Store" means a state liquor store established under this title.

(41) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

(42) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

(43)(a) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding twenty-four percent of alcohol by volume and not less than one-half of one percent of alcohol by volume. For purposes of this title, any beverage containing no more than fourteen percent of alcohol by volume when bottled or packaged by the manufacturer shall be referred to as "table wine," and any beverage containing alcohol in an amount more than fourteen percent by volume when bottled or packaged by the manufacturer shall be referred to as "fortified wine." However, "fortified wine" shall not include: (i) Wines that are both sealed or capped by cork closure and aged two years or more; and (ii) wines that contain more than fourteen percent alcohol by volume solely as a result of the natural fermentation process and that have not been produced with the addition of wine spirits, brandy, or alcohol.

(b) This subsection shall not be interpreted to require that any wine be labeled with the designation "table wine" or "fortified wine."

(44) "Wine distributor" means a person who buys wine from a domestic winery, wine certificate of approval holder, or wine importer, or who acquires foreign produced wine from a source outside of the United States, for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

(45) "Wine importer" means a person or business within Washington who purchases wine from a wine certificate of approval holder or who acquires foreign produced wine from a source outside of the United States for the purpose of selling the same pursuant to this title."

Renumber the remaining sections consecutively and correct the title.

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

Amendment (538) 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 Wood and Condotta 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. 5834, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5834, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Wamick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5834, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5925, by Senators Shin, Kastama, Jacobsen, Berkey, Hobbs, Franklin, Hargrove and Kohl-Welles

Regarding insurance for higher education students participating in study or research abroad.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education was adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

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 Wallace spoke in favor of the passage of the bill.

Representative Anderson 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 Senate Bill No. 5925, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5925, as amended by the House, and the bill passed the House by the following vote: Yeas, 66; Nays, 32; Absent, 0; Excused, 0.

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

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

ENGROSSED SENATE BILL NO. 5925, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6033, by Senators Berkey, Fairley, Kauffman, McAuliffe, Tom, Marr, Prentice, Shin, Fraser, Kohl-Welles, Eide, McDermott, Jarrett, Regala, Hobbs, Kline, Jacobsen, Murray, Franklin, Hatfield, Kilmer, Haugen, Hargrove and Sheldon

Creating the prevent or reduce owner-occupied foreclosure program.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Financial Institutions & Insurance was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

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 Kirby and Bailey 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. 6033, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6033, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SENATE BILL NO. 6033, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6068, by Senators Swecker, Haugen, King and Shin

Modifying the definition of "conviction" for the purposes of the uniform commercial driver's license act.

The bill was read the second time.

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

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

Representatives Roach and Shea spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6068.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6068 and the bill passed the House by the following vote: Yeas, 64; Nays, 34; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan,

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

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Eddy, Ericksen, Haler, Herrera, Hinkle, Hurst, Johnson, Kretz, Kristiansen, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

SENATE BILL NO. 6068, having received the necessary constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8006, by Senator Zarelli

Requesting that state route number 502 be named the "Battle Ground Highway" and that a portion of state route number 503 be named the "Lewisville Highway."

The joint memorial 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 Clibborn and Herrera spoke in favor of the passage of the joint memorial.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8006.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8006 and the joint memorial passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwell, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Kristiansen.

SENATE JOINT MEMORIAL NO. 8006, having received the necessary constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8012, by Senators Fraser, Kohl-Welles, Prentice, Fairley, Berkey, Franklin, Regala, Marr, Shin, Eide, Kastama, Murray, Haugen, Oemig, McDermott and Kline

Urging adoption of a treaty fighting discrimination against women.

The joint memorial 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 Roberts, Goodman, Eddy, Herrera, Appleton, Dickerson and Chase spoke in favor of the passage of the joint memorial.

Representatives Shea and Warnick spoke against the passage of the joint memorial.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8012.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8012 and the joint memorial passed the House by the following vote: Yeas, 74; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Representatives Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwell, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Chandler, Condotta, Cox, Crouse, DeBolt, Haler, Hinkle, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Taylor and Warnick.

SENATE JOINT MEMORIAL NO. 8012, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SENATE JOINT MEMORIAL NO. 8012.

CHARLES ROSS, 14th District

SECOND READING

SENATE JOINT MEMORIAL NO. 8013, by Senators Keiser, Parlette, Pflug, Franklin, Marr, Murray, Shin, Haugen, Kline and Kohl-Welles

Calling on Congress to enact legislation to eliminate the 24 month Medicare waiting period for participants in Social Security Disability Insurance.

The joint memorial 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 Cody 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 Senate Joint Memorial No. 8013.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8013, and the joint memorial passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE JOINT MEMORIAL NO. 8013, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

SENATE BILL NO. 5629, by Senators Kohl-Welles, Keiser, Fairley, Kline, Marr, Prentice, Franklin, Murray, King and Brown

Concerning pregnancy prevention programs.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was before the House for purpose of amendment. (For committee amendment, see Journal, Day 75, March 27, 2009.)

Representative McCune moved the adoption of amendment (527) to the committee amendment:

On page 1, line 16 of the striking amendment, after "(2)" insert "This section does not prohibit state agencies from applying for funding for abstinence education and motivation programs that organizations, other than school districts, provide outside the public school system.

(3)"

Representatives McCune and Ericksen 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.

Amendment (527) to the committee amendment was not adopted.

The committee amendment was adopted.

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

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

Representative Ericksen spoke against 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. 5629, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5629, as amended by the House, and the bill passed the House by the following vote: Yeas, 67; Nays, 31; Absent, 0; Excused, 0.

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

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Klippert, Kretz, Kristiansen, McCune, Miloscia, Orcutt, Parker, Pearson, Roach, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

SENATE BILL NO. 5629, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5673, by Senators Pridemore, Zarelli, Keiser, Murray, Rockefeller, Hobbs, Regala and Shin

Concerning certificates of need.

The bill was read the second time.

Representative Moeller moved the adoption of amendment (488):

On page 2, line 3, after "organizations" insert "except as provided in subsection (7)(a) of this section"

On page 2, line 7, after "organizations" insert "except as provided in subsection (7)(b) of this section"

On page 4, after line 15, insert the following:

"(7)(a) The requirement that a health maintenance organization obtain a certificate of need under subsection (4)(a) of this section for the construction, development, or other establishment of a hospital

does not apply to a health maintenance organization operating a group practice that has been continuously licensed as a health maintenance organization since January 1, 2009;

(b) The requirement that a health maintenance organization obtain a certificate of need under subsection (4)(b) of this section to sell, purchase, or lease a hospital does not apply to a health maintenance organization operating a group practice that has been continuously licensed as a health maintenance organization since January 1, 2009."

On page 6, line 32, after "section" insert "or RCW 70.38.105(7)"

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

Amendment (488) 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, Hinkle 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 Senate Bill No. 5673, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5673, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Pedersen.

SENATE BILL NO. 5673, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 9, 2009

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1010,
HOUSE BILL NO. 1273,
SUBSTITUTE HOUSE BILL NO. 1303,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1441,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 9, 2009

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1000,
HOUSE BILL NO. 1042,
SUBSTITUTE HOUSE BILL NO. 1110,
HOUSE BILL NO. 1288,
SUBSTITUTE HOUSE BILL NO. 1319,
SUBSTITUTE HOUSE BILL NO. 1415,
HOUSE BILL NO. 1675,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 9, 2009

Mr. Speaker:

The President has signed the following:

SUBSTITUTE SENATE BILL NO. 5151,
SENATE BILL NO. 5413,
SUBSTITUTE SENATE BILL NO. 5469,
SENATE BILL NO. 5492,
SENATE BILL NO. 5511,
SENATE BILL NO. 5542,
SUBSTITUTE SENATE BILL NO. 5551,
SENATE BILL NO. 5562,
ENGROSSED SENATE BILL NO. 5581,
SUBSTITUTE SENATE BILL NO. 5677,
SUBSTITUTE SENATE BILL NO. 5705,
SUBSTITUTE SENATE BILL NO. 5839,
SENATE BILL NO. 5952,
SENATE BILL NO. 5989,
SUBSTITUTE SENATE BILL NO. 6019,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

SENATE BILL NO. 5482, by Senators Haugen and Swecker

Modifying provisions governing two-wheeled and three-wheeled vehicles.

The bill was read the second time.

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

With the consent of the House, amendments (533) and (493) were withdrawn.

Representative Hudgins moved the adoption of amendment (498):

On page 2, after line 28, insert the following:

"Sec. RCW 46.20.500 and 2003 c 353 s 9, 2003 c 141 s 7, and 2003 c 41 s 1 are each reenacted and amended to read as follows:

(1) No person may drive either a two-wheeled or a three-wheeled motorcycle, or a motor-driven cycle unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles.

(2) However, a person sixteen years of age or older, holding a valid driver's license of any class issued by the state of the person's residence, may operate a moped without taking any special examination for the operation of a moped.

(3) No driver's license is required for operation of an electric-assisted bicycle if the operator is at least sixteen years of age. Persons under sixteen years of age may not operate an electric-assisted bicycle.

(4) No driver's license is required to operate an electric personal assistive mobility device or a power wheelchair.

(5) No driver's license is required to operate a motorized foot scooter. Motorized foot scooters may not be operated at any time from a half hour after sunset to a half hour before sunrise without reflectors of a type approved by the state patrol.

(6) A person holding a valid driver's license may operate a motorcycle as defined under RCW 46.04.330(2) without a motorcycle endorsement.

Renumber the remaining sections consecutively and correct the title.

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

Amendment (498) was adopted.

Representative Roach moved the adoption of amendment (489):

On page 3, line 37, after "(3)" insert "(a)"

On page 4, after line 5, insert the following:

"(b) The requirement in (a) of this subsection that the manufacturer's certification must be applied in accordance with 49 C.F.R. Sec. 571.218 to the motorcycle helmet is conditioned upon:

(i) Certification by the Washington state patrol of a list of approved individual manufactured motorcycle helmets sold or made available to individuals in the state of Washington that meet or exceed the standards established by the United States department of transportation in accordance with 49 C.F.R. Sec. 571.218; and

(ii) A review and update by the Washington state patrol of the list of approved individual manufactured motorcycle helmets under this subsection (b) at least once annually."

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

Representative Liias spoke against the adoption of the amendment.

Amendment (489) was not adopted.

Representative Williams moved the adoption of amendment (508):

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

"NEW SECTION. Sec. A new section is added to chapter 47.36 RCW to read as follows:

(1) For the purposes of this section:

(a) "Arterial" means a public road or highway that is designated or qualifies as a principal or minor arterial under a state or local law, ordinance, regulation, or plan.

(b) "Bicycle" means a human-powered vehicle with metallic wheels at least sixteen inches in diameter or with metallic braking

strips and metallic components, not necessarily including the frame or fork, which may be lawfully ridden on a public road or highway.

(c) "Bicycle route" means a route (i) that is designated as a route for bicycle use in a state or local law, ordinance, rule, or plan, or (ii) that provides bicycle access to urban areas that are not reasonably and conveniently accessible through other bicycle routes. The level of existing or projected use by bicyclists is a factor to consider in determining whether a bicycle route provides access that is not reasonably and conveniently available from other bicycle routes. An intersection that provides necessary linkages in a bicycle route or between routes is considered a part of the bicycle route or routes.

(d) "Design complete" means that all major design work for a new vehicle-activated traffic control signal has been completed and that the funding necessary for complete construction of the vehicle-activated traffic control signal has been firmly secured.

(e) "Existing vehicle-activated traffic control signal" means a vehicle-activated traffic control signal that is in use or design complete on or before the effective date of this section.

(f)(i) "Motorcycle" means a motor vehicle designed to travel on not more than three wheels in contact with the ground, on which the driver:

(A) Rides on a seat or saddle and the motor vehicle is designed to be steered with a handle bar; or

(B) Rides on a seat in a partially or completely enclosed seating area that is equipped with safety belts and the motor vehicle is designed to be steered with a steering wheel.

(ii) "Motorcycle" excludes a farm tractor, a power wheelchair, an electric personal assistive mobility device, a motorized foot scooter, an electric-assisted bicycle, and a moped.

(g) "Restricted right turn lane" means a right turn only lane where a right turn is not allowed after stopping but only upon a green signal.

(h) "Routinely and reliably detect motorcycles and bicycles" means that the detection equipment at a vehicle-activated traffic control signal is capable of detecting and will reliably detect a motorcycle or bicycle (i) when the motorcycle or bicycle is present immediately before a stop line or crosswalk in the center of a lane at an intersection or road entrance to such an intersection, or (ii) when the motorcycle or bicycle is present at marked detection areas.

(i) "Vehicle-activated traffic control signal" means a traffic control signal on a public road or highway that detects the presence of a vehicle as a means to change a signal phase.

(2) During routine maintenance or monitoring activities, but subject to the availability of funds:

(a) All existing vehicle-activated traffic control signals that do not currently routinely and reliably detect motorcycles and bicycles must be adjusted to do so to the extent that the existing equipment is capable consistent with safe traffic control. Priority must be given to existing vehicle-activated traffic control signals for which complaints relating to motorcycle or bicycle detection have been received and existing vehicle-activated traffic control signals that are otherwise identified as a detection problem for motorcyclists or bicyclists, or both. Jurisdictions operating existing vehicle-activated traffic control signals shall establish and publicize a procedure for filing these complaints in writing or by e-mail, and maintain a record of these complaints and responses; and

(b) Where motorcycle and bicycle detection is limited to certain areas other than immediately before the stop line or crosswalk in the center of a lane at an existing vehicle-activated traffic control signal, those detection areas must be clearly marked on the pavement at left turn lanes, through lanes, and limited right turn lanes. These detection areas must also be marked to allow a bicyclist to leave a

bicycle lane to enter a detection area, if necessary, to cross an intersection. Pavement markings must be consistent with the standards described in the state of Washington's "Manual on Uniform Traffic Control Devices for Streets and Highways" obtainable from the department of transportation.

(3)(a) If at least a substantial portion of detection equipment at an existing vehicle-activated traffic control signal on an arterial or bicycle route is scheduled to be replaced or upgraded, the replaced or upgraded detection equipment must routinely and reliably detect motorcycles and bicycles. For purposes of this subsection (3)(a), "substantial portion" means that the proposed replacement or upgrade will cost more than twenty percent of the cost of full replacement or upgraded detection equipment that would routinely and reliably detect motorcycles and bicycles.

(b) If at least a substantial portion of detection equipment at an existing vehicle-activated traffic control signal on a public road or highway that is not an arterial or bicycle route is scheduled to be replaced or upgraded, the replaced or upgraded detection equipment must routinely and reliably detect motorcycles and bicycles. For purposes of this subsection (3)(b), "substantial portion" means that the proposed replacement or upgrade will cost more than fifty percent of the cost of full replacement or upgraded detection equipment that would routinely and reliably detect motorcycles and bicycles.

(4) All vehicle-activated traffic control signals that are design complete and put in operation after the effective date of this section must be designed and operated, when in use, to routinely and reliably detect motorcycles and bicycles, including the detection of bicycles in bicycle lanes that cross an intersection."

Correct the title.

Representatives Williams, Roach and Ericksen spoke in favor of the adoption of the amendment.

Amendment (508) 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 Liias spoke in favor of the passage of the bill.

Representative Roach spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5482, as amended by the House.

MOTION

On motion of Representative Santos, Representative Flannigan was excused.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5482, as amended by the House, and the bill passed the House by the following vote: Yeas, 59; Nays, 38; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Liias, Linville, Maxwell, McCoy, Miloscia,

Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Halder, Hinkle, Hope, Hurst, Johnson, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Uptegrove, Van De Wege, Walsh and Warnick.

Excused: Representative Flannigan.

SENATE BILL NO. 5482, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5539, by Senators Oemig, Jarrett, McAuliffe, Pflug and Tom

Regarding investment expenses of counties.

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 Simpson and Angel 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. 5539.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5539 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Halder, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Uptegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Nelson.

Excused: Representative Flannigan.

SUBSTITUTE SENATE BILL NO. 5539, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5554, by Senators Kilmer, Hobbs, Kastama, King, Jarrett, Marr, McAuliffe, Shin and Pridemore

Regarding the job skills program.

The bill was read the second time.

Representative Anderson moved the adoption of amendment (515):

On page 4, line 13, after "areas" insert ", however, the growth of industry clusters is one of several priorities and no more than fifty percent of job skills grants may be provided solely because the application promotes the growth of industry clusters"

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

Representative Wallace spoke against the adoption of the amendment.

Amendment (515) was not adopted.

With the consent of the House, amendment (514) was withdrawn.

Representative Hasegawa moved the adoption of amendment (443):

On page 4, line 34, strike "and" and insert "~~(and)~~"

On page 5, line 3, after "program" insert "; and

(13) The job skills program provides training that leads to transferable skills that are interchangeable among different jobs, employers, or workplaces"

Representatives Hasegawa and Anderson spoke in favor of the adoption of the amendment.

Amendment (443) 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 Wallace and Anderson 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. 5554, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5554, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

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

Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Angel.

Excused: Representative Flannigan.

SENATE BILL NO. 5554, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5684, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker, Ranker, Hatfield, Jarrett and Kline)

Addressing environmental mitigation in highway construction.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was before the House for purpose of amendment. (For committee amendment, see Journal, Day 78, March 30, 2009.)

Representative Ericksen moved the adoption of amendment (497) to the committee amendment:

On page 1, after line 21 of the striking amendment insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 47.01 RCW to read as follows: For the purpose of environmental mitigation of state or local transportation projects, any county may require the department of transportation to participate in the county's purchase of development rights program. If the county requires the department's participation, the department shall transfer to the county's purchase of development rights program environmental mitigation moneys for transportation projects. Rights in perpetuity to future development of any open space land, farm and agricultural land, and timber land which are so designated by the county may be used as environmental mitigation moneys for state or local transportation projects in lieu of wetlands or other mitigation required for a specific transportation project."

Correct the title.

Representatives Ericksen and Herrera spoke in favor of the adoption of the amendment to the committee amendment.

Representative Liias spoke against the adoption of the amendment.

Division was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) divided the House. The result was 39 – YEAS; 58 – NAYS.

Amendment (497) to the committee amendment was not adopted.

The committee amendment was adopted.

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

Representatives Upthegrove and Roach 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. 5684, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5684, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SUBSTITUTE SENATE BILL NO. 5684, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5797, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Haugen, Ranker, Brandland and Hatfield)

Regarding exemptions from solid waste handling permit requirements.

The bill was read the second time.

Representative Shea moved the adoption of amendment (530):

On page 2, line 17, after "section;" strike "and"

On page 2, line 21, after "testing" insert "; and

(h) The anaerobic digester must not process any fish or fish products that are listed under the federal endangered species act"

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

Representative Upthegrove spoke against the adoption of the amendment.

Amendment (530) was not adopted.

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

Representatives Upthegrove and Short 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. 5797.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5797 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SUBSTITUTE SENATE BILL NO. 5797, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5894, by Senators Haugen and Parlette

Authorizing the utilities and transportation commission to forbear from rate and service regulation of certain transportation services.

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, Day 78, March 30, 2009.)

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 Roach 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. 5894, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5894, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

ENGROSSED SENATE BILL NO. 5894, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5873, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kline, Keiser, Hobbs, Marr, Fairley, McAuliffe, Kohl-Welles and Shin)

Regarding apprenticeship utilization.

The bill was read the second time.

Representative Condotta moved the adoption of amendment (561):

On page 1, line 4, after "Sec. 1." insert "RCW 39.04.310 and 2007 c 437 s 1 are each amended to read as follows:

The definitions in this section apply throughout this section and RCW 39.04.300 and 39.04.320 unless the context clearly requires otherwise.

(1) "Apprentice" means an apprentice enrolled in a state-approved apprenticeship training program.

(2) "Apprentice utilization requirement" means the requirement that the appropriate percentage of labor hours be performed by apprentices.

(3) "Labor hours" means the total hours of workers receiving an hourly wage who are directly employed on the site of the public works project. "Labor hours" includes hours performed by workers employed by the contractor and all subcontractors working on the project. "Labor hours" does not include hours worked by foremen, superintendents, owners, and workers who are not subject to prevailing wage requirements.

(4) "School district" has the same meaning as in RCW 28A.315.025.

(5) "State-approved apprenticeship training program" means an apprenticeship training program approved by the Washington state apprenticeship council.

(6) "Trainee" means a worker participating in a training program.

(7) "Training program" means a formal training program conducted by an employer and approved by the awarding agency, school district, or four-year institution of higher education, or a private vocational school licensed under chapter 28B.10 RCW, or an institution of higher education as defined in RCW 28B.10.016.

Sec. 2."

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

On page 1, line 10, after "apprentices" insert "or trainees"

On page 1, line 18, after "apprentices" insert "or trainees"

On page 2, line 5, after "apprentices" insert "or trainees"

On page 2, line 11, after "apprentices" insert "or trainees"

On page 2, line 18, after "apprentices" insert "or trainees"

On page 2, line 22, after "apprentices" insert "or trainees"

On page 2, line 26, after "apprentices" insert "or trainees"

On page 2, line 31, after "apprentices" insert "or trainees"

On page 2, line 36, after "apprentices" insert "or trainees"

On page 3, line 3, after "apprentices" insert "or trainees"

On page 3, line 7, after "apprentices" insert "or trainees"

On page 3, line 11, after "apprentice" insert "or trainee"

On page 3, line 21, after "apprentices" insert "or trainees"

On page 3, line 25, after "apprentice" insert "or trainee"

On page 4, line 2, after "apprentices" insert "or trainees"

Correct the title.

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

Representative Wood spoke against the adoption of the amendment.

Amendment (561) was not adopted.

Representative Cox moved the adoption of amendment (573):

On page 23, after line 23, insert the following:

"Sec. 4. RCW 50.20.120 and 2009 c 3 s 3 are each amended to read as follows:

Except as provided in RCW 50.20.--- (section 2, chapter 3, Laws of 2009), benefits shall be payable as provided in this section.

(1) For claims with an effective date on or after April 4, 2004, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of twenty-six times the weekly benefit amount, as determined in subsection (2) of this section, or one-third of the individual's base year wages under this title.

(2)(a) For claims with an effective date on or after April 24, 2005, and before January 3, 2010, an individual's weekly benefit amount shall be an amount equal to three and eighty-five one-hundredths percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(b) For claims with an effective date on or after January 3, 2010:

(i) Except as provided in (ii) of this subsection, an individual's weekly benefit amount shall be an amount equal to three and nine-tenths percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(ii) An individual's weekly benefit amount shall be an amount equal to three and eighty-five one-hundredths percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest if the commissioner determines that:

(A) Additional compensation is payable pursuant to section 2002 of the American recovery and reinvestment act of 2009 or a substantially similar federal law, or pursuant to RCW 50.20.--- (section 2, chapter 3, Laws of 2009), or a substantially similar state law; or

(B) The balance in the unemployment compensation fund is an amount that will provide fewer than nine months of unemployment benefits.

(3) The maximum and minimum amounts payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th.

(a) The maximum amount payable weekly shall be either four hundred ninety-six dollars or sixty-three percent of the "average weekly wage" for the calendar year preceding such June 30th, whichever is greater.

(b) The minimum amount payable weekly shall be fifteen percent of the "average weekly wage" for the calendar year preceding such June 30th.

(4) If any weekly benefit, maximum benefit, or minimum benefit amount computed herein is not a multiple of one dollar, it shall be rounded to the next lower multiple of one dollar."

Renumber the sections consecutively and correct any internal references accordingly.

Correct the title.

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

Representative Wood spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (573) to Engrossed Substitute Senate Bill No. 5873.

ROLL CALL

The Clerk called the roll on the adoption of amendment (573) to Engrossed Substitute Senate Bill No. 5873 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 55; Absent, 0; Excused, 1.

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

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

Excused: Representative Flannigan.

Amendment (573) was not adopted.

Representative Condotta moved the adoption of amendment (531):

On page 2, after line 31, insert the following:

"(6) If an employer prevails in an appeal before the board of industrial insurance appeals or on judicial review, the board or court, as the case may be, shall award to the employer actual damages, costs, and reasonable attorneys' fees. For purposes of this subsection, "actual damages" means all economic loss suffered by the employer for any day or days during which work was stopped due to a stop work order, including lost profits, lost wages, penalties paid, and interest."

Renumber the sections consecutively and correct any internal references accordingly.

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

Representative Ormsby spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (573) to Senate Bill No. 5873.

ROLL CALL

The Clerk called the roll on the adoption of amendment (573) to Senate Bill No. 5873 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 55; Absent, 0; Excused, 1.

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

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

Excused: Representative Flannigan.

Amendment (531) was not adopted.

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

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

Representatives Condotta, Anderson and Ericksen 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. 5873.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5873, and the bill passed the House by the following vote: Yeas, 63; Nays, 34; Absent, 0; Excused, 1.

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

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

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5873, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6095, by Senate Committee on Transportation (originally sponsored by Senators Haugen and Swecker)

Clarifying that retirement costs continue to be authorized as a charge included in the Puget Sound pilotage district tariff.

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, Day 78, March 30, 2009.)

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 Roach 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. 6095, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6095, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks,

Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler and Eddy.

Excused: Representative Flannigan.

SUBSTITUTE SENATE BILL NO. 6095, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5565, by Senate Committee on Environment, Water & Energy (originally sponsored by Senator Rockefeller)

Regarding the use of certain solid fuel burning devices.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Environmental Health was adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

Representative Shea moved the adoption of amendment (553):

On page 2, line 35, after "(4)" insert "If and only if the nonattainment area is within the jurisdiction of the department and the legislative authority of a city or county within the area of nonattainment formally expresses concerns with the department's written findings, then the department must publish on the department's website the reasons for prohibiting the use of solid fuel burning devices under subsection (2) of this section that includes a response to the concerns expressed by the city or county legislative authority.

(5)"

Renumber the remaining subsections consecutively and correct internal references accordingly.

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

Amendment (553) was adopted.

Representative Orcutt moved the adoption of amendment (554):

On page 3, after line 9, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of solid fuel burning devices meeting the standards in RCW 70.94.457 with respect to persons who purchase solid fuel burning devices that are used within an area designated as a nonattainment area for fine

particulates by the United States environmental protection agency or is in maintenance status under that designation.

(2) The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

NEW SECTION. Sec. 3. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter shall not apply in respect to solid fuel burning devices meeting the standards in RCW 70.94.457 with respect to persons who purchase solid fuel burning devices that are used within an area designated as a nonattainment area for fine particulates by the United States environmental protection agency or is in maintenance status under that designation.

(2) The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files."

Correct the title.

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

Representative Rolfes spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (554) to Substitute Senate Bill No. 5565.

ROLL CALL

The Clerk called the roll on the adoption of amendment (554) to Substitute Senate Bill No. 5565 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 55; Absent, 0; Excused, 1.

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

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

Excused: Representative Flannigan.

Amendment (554) was not adopted

The committee amendment as amended by amendment (553) 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 Campbell and Rolfes spoke in favor of the passage of the bill.

Representatives Orcutt and Shea 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. 5565, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5565, as amended by the House, and the bill passed the House by the following vote: Yeas, 66; Nays, 31; Absent, 0; Excused, 1.

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

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Orcutt, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

Excused: Representative Flannigan.

SUBSTITUTE SENATE BILL NO. 5565, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5746, by Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove)

Modifying sentencing provisions for juveniles adjudicated of certain crimes.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Human Services was before the House for purpose of amendment. (For committee amendment, see Journal, Day 75, March 27, 2009.)

Representative Priest moved the adoption of amendment (558):

On page 9, beginning on line 34 of the striking amendment, after "restitution," strike "~~((and a two hundred dollar fine))~~" and insert "~~((and))~~ a two hundred dollar fine."

On page 10, beginning on line 2 of the striking amendment, after "days" strike ". The court may impose a fine, but such fine shall not exceed seventy-five dollars"

On page 10, beginning on line 8 of the striking amendment, after "and a" strike "~~((four hundred dollar))~~ fine not exceeding one hundred fifty dollars" and insert "four hundred dollar fine"

On page 10, beginning on line 14 of the striking amendment, after "and a" strike "~~((four hundred dollar))~~ fine not exceeding one hundred fifty dollars" and insert "four hundred dollar fine"

On page 10, line 26 of the striking amendment, after ", a" strike "fine not exceeding seventy-five dollars" and insert "two hundred dollar fine"

On page 10, line 35 of the striking amendment, after "and a" strike "~~((four hundred dollar))~~ fine not exceeding one hundred fifty dollars" and insert "four hundred dollar fine"

On page 11, beginning on line 3 of the striking amendment, after "and a" strike "~~((four hundred dollar))~~ fine not exceeding one hundred fifty dollars" and insert "four hundred dollar fine"

On page 11, beginning on line 23 of the striking amendment, after "~~(and)~~ a" strike "~~((one hundred fifty dollar))~~ fine not exceeding one hundred fifty dollars" and insert "one hundred fifty dollar fine"

On page 11, beginning on line 33 of the striking amendment, after "~~(and)~~ a" strike "~~((one hundred fifty dollar))~~ fine not exceeding one hundred fifty dollars" and insert "one hundred fifty dollar fine"

Representatives Priest, Klippert, Dammeier, Pearson, Johnson and Ross spoke in favor of the adoption of the amendment.

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

There being no objection, the House deferred action on ENGROSSED SUBSTITUTE SENATE BILL NO. 5746, and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5963, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Holmquist, King, Honeyford, Keiser, Franklin, Kline, Hewitt, Marr, Parlette, McCaslin, Schoesler and Morton)

Regarding unemployment insurance.

The bill was read the second time.

MOTION

Representative Condotta moved that the committee amendment by the Committee on Commerce & Labor not be adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

Representative Condotta spoke in favor of the motion to not adopt the committee amendment.

Representatives Green, Conway and McCoy spoke against the motion to not adopt the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question to be adoption of the motion to not adopt the committee amendment by the Committee on Commerce & Labor.

ROLL CALL

The Clerk called the roll on the motion to not adopt the committee amendment by the Committee on Commerce & Labor on Substitute Senate Bill No. 5963 and the motion was adopted by the following vote: Yeas: 50; Nays: 47; Absent: 0; Excused: 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Carlyle, Chandler, Clibborn, Condotta, Cox, Crouse, Dammeier, DeBolt, Eddy, Ericks, Erickson, Finn, Grant-Herriot, Haigh, Haler, Herrera, Hinkle, Hope, Hunter, Johnson, Kessler, Klippert, Kretz, Kristiansen, McCune, Morris, O'Brien, Orcutt, Parker, Pearson, Priest, Quall, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Springer, Takko, Taylor, Wallace, Walsh, and Warnick.

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

Excused: Representative Flannigan.

The committee amendment by the Committee on Commerce & Labor was not adopted.

Because the committee amendment by the Committee on Commerce & Labor was not adopted, amendments (557), (562), (542), (570), (526), (571), (502), (512) and (555) were ruled out of order.

Representative Green moved the adoption of amendment (549):

On page 2, line 9, after "(1)(b)(i)" insert "or (2)(b)(i)"

On page 2, line 12, after "(1)(b)(v) through (x)" insert "or (2)(b)(v) through (x)"

On page 3, line 12, after "(1)(b)(iv) or (xi)" insert "or (2)(b)(iv) or (xi)"

On page 19, line 33, after "and" strike "for"

On page 22, beginning on line 2, after "amount." strike "Good cause reasons to leave work are limited to reasons listed in (b) of this subsection."

On page 23, line 18, after "beliefs;" strike "or"

On page 23, line 23, after "program" insert the following:

"or

(xii) The individual left work because continuing in employment would work an unreasonable hardship on the individual. "Unreasonable hardship" means a result not due to the individual's voluntary action that would cause a reasonable person to leave that employment. The circumstances must be based on existing facts, not conjecture, and the reasons for leaving work must be significant. An individual seeking to demonstrate unreasonable hardship must show that:

(A) The individual left work primarily for reasons connected with his or her employment;

(B) The work-connected reasons were of such a compelling nature they would have caused a reasonably prudent person to leave work; and

(C) The individual first exhausted all reasonable alternatives before leaving work, unless pursuing reasonable alternatives would have been futile"

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

Representatives Condotta and Chandler spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (549) to Substitute Senate Bill No. 5963.

ROLL CALL

The Clerk called the roll on the adoption of amendment (549) to Substitute Senate Bill No. 5963 and the amendment was adopted by the following vote: Yeas: 60; Nays: 37; Absent: 0; Excused: 1

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

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

Excused: Representative Flannigan.

There being no objection, the House deferred action on SUBSTITUTE SENATE BILL NO. 5963, and the bill held its place on the second reading calendar.

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

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

- HOUSE BILL NO. 2315
- SENATE BILL NO. 5028
- SENATE BILL NO. 5038
- SUBSTITUTE SENATE BILL NO. 5042
- ENGROSSED SUBSTITUTION SENATE NO. 5262
- SUBSTITUTE SENATE BILL NO. 5276
- SUBSTITUTE SENATE BILL NO. 5286
- SENATE BILL NO. 5289
- SENATE BILL NO. 5298
- SENATE BILL NO. 5303
- SUBSTITUTE SENATE BILL NO. 5326

- SUBSTITUTE SENATE BILL NO. 5340
- SECOND SUBSTITUTE SENATE BILL NO. 5346
- SUBSTITUTE SENATE BILL NO. 5360
- SUBSTITUTE SENATE BILL NO. 5367
- SUBSTITUTE SENATE BILL NO. 5391
- SUBSTITUTE SENATE BILL NO. 5401
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5414
- SUBSTITUTE SENATE BILL NO. 5480
- SUBSTITUTE SENATE BILL NO. 5556
- SENATE BILL NO. 5568
- SUBSTITUTE SENATE BILL NO. 5574
- SENATE BILL NO. 5587
- SUBSTITUTE SENATE BILL NO. 5719
- SUBSTITUTE SENATE BILL NO. 5725
- SUBSTITUTE SENATE BILL NO. 5752
- SUBSTITUTE SENATE BILL NO. 5765
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5807
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5811
- SUBSTITUTE SENATE BILL NO. 5882
- SENATE BILL NO. 5909
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5941
- SECOND SUBSTITUTE SENATE BILL NO. 5973
- SENATE BILL NO. 5976
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6015
- SENATE BILL NO. 6070

There being no objection, HOUSE BILL NO. 1646 was returned to the Committee on Rules.

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., April 10, 2009, the 89th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

