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**SIXTY-FIRST LEGISLATURE - REGULAR SESSION**

**NINETY FOURTH DAY**

House Chamber, Olympia, Wednesday, April 15, 2009

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sarah Arpin and Anna Bean. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Dr. Charlotte Beller-Petty, Risen Faith Fellowship Church, Olympia.

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

**RESOLUTIONS**

HOUSE RESOLUTION NO. 2009-4648, by Representatives Liias, Pettigrew, Van De Wege, Simpson and Hope

WHEREAS, Kenneth "Kenny" Hoefner began his career as a firefighter in 1959, years before fire trucks had power steering or crew cabs; and

WHEREAS, Hoefner fought fires and provided emergency assistance before CPR and defibrillators existed; and

WHEREAS, His fifty years of service is the longest known firefighting career in the Seattle area; and

WHEREAS, In the last forty three years, Kenny Hoefner has not taken a single sick day, exemplifying his dedication to his profession; and

WHEREAS, Throughout his career, Hoefner fought some of the largest fires in the area's history, including four fires at Todd Shipyards and the multialarm fire at the Polson Building on the Seattle waterfront in 1974; and

WHEREAS, Kenny Hoefner established the M. Kenneth Hoefner Scholarship Fund to help the children of fellow firefighters pay for a college education; and

WHEREAS, Hoefner's personal contributions to the fund have totaled more than \$500,000 over the years; and

WHEREAS, In 2008, the scholarship distributed more than \$47,000 to degree seeking children of firefighters; and

WHEREAS, Kenny Hoefner has served his community honorably and with excellence for the last five decades as he celebrates his retirement after fifty years of dedication to the City of Seattle;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize Kenneth "Kenny" Hoefner's legacy of service and dedication to his community and fellow firefighters, and extend best wishes to him in his retirement from the Seattle Fire Department; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of

Representatives to Kenneth Hoefner, the Seattle Firefighters Union Local 27, and the Seattle Fire Department.

HOUSE RESOLUTION NO. 4648 was adopted.

HOUSE RESOLUTION NO. 2009-4650, by Representative Sells

WHEREAS, There are more than 700,000 veterans residing in the state of Washington; and

WHEREAS, Eighteen percent of the veterans who sought jobs within one to three years of discharge are unemployed; and

WHEREAS, The citizens of Washington are well aware of the sacrifices made by veterans and their families in defense to our country and our state; and

WHEREAS, The laws of the state of Washington have long granted recognition of a veteran's sacrifices by providing preferred employment opportunities for veterans regardless of physical impairment;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives reaffirms its concern for the veterans and their families and its historical support of preferred employment opportunities promised to veterans; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Disabled American Veterans of Washington.

HOUSE RESOLUTION NO. 4650 was adopted.

HOUSE RESOLUTION NO. 2009-4651, by Representatives Rolfes, Driscoll, Seaquist, Finn, Appleton, Kelley, Blake, Green, Kagi, Orwall, Pettigrew, Darneille, Morrell, Dammeier, Bailey, Smith, Angel, Johnson, Rodne, Shea, Orcutt, Priest, Warnick, McCune, Campbell, White, and Hunt

WHEREAS, The state of Washington recognizes the selfless acts of service performed by its brave past and present members of the military and their devoted families; and

WHEREAS, Military families face the unique burden of multiple relocations associated with deployment orders, often causing uncertainty and constant upending of their daily lives and routines; and

WHEREAS, Military children, in particular, face challenges in successively moving to new locations, including meeting and maintaining friends, participating in extracurricular activities, transferring school records, adjusting to various school curricula and graduation requirements, and continuing at the same grade level, among others; and

WHEREAS, The average length of duty in the military is two to three years, meaning many children face several daunting moves during the course of their childhood; and

WHEREAS, An estimated thirty thousand military children currently reside in the state of Washington, the seventh largest such population in the country; and

WHEREAS, The month of April has been celebrated as the Month of the Military Child since 1986, recognizing the importance of military children and expressing gratitude for their sacrifice; and

WHEREAS, Military families themselves know of the sacrifices borne by military children, but their important contributions can often go unnoticed by the general public;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives celebrate the Month of the Military Child this April, recognizing the often unsung sacrifices made by military children and commending them for their support and dedication to their families, in service to the protection and advancement of citizens' rights and freedoms; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Office of the Deputy Undersecretary of Defense for Military Community and Family Policy, Northwest Region.

HOUSE RESOLUTION NO. 4651 was adopted.

HOUSE RESOLUTION NO. 2009-4652, by Representatives Cody and Nelson

WHEREAS, The people of Washington State acknowledge the community contributions and achievements of the student volunteers of Kids In Action at Holy Family Parish School, West Seattle, Washington; and

WHEREAS, The members of Kids In Action have established a regular visitation schedule to the elderly at the Salvation Army in West Seattle, and provide meal service and offer heartfelt companionship; and

WHEREAS, The students have exhibited compassion, sympathy, and friendship by creating and delivering Christmas cards for children in Seattle Children's Hospital; and

WHEREAS, The students have conducted a letter campaign in support of a girls school in Kandahar, Afghanistan, where girls have been attacked for attending classes, and have inspired courage, hope, and pride, and offered solidarity to the Afghan girls so that they might continue their path to acquire education and realize their own talents, dreams, and goals; and

WHEREAS, They exhibited their knowledge of local history, and empathy for treatment of Washington's Native Nations, by visiting the Duwamish Longhouse and drafting a petition supporting the tribe's request for achievement of federally recognized tribal status (I); and

WHEREAS, Kids In Action has planned a campaign to support the poor and the homeless and those affected by HIV/AIDS in the community, by providing letters, visitations, and meals to the most vulnerable residents of our state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor Kids In Action of the Holy Family Parish School, West Seattle, for its exemplary service to Washington State and to members of the global community, and commend the high standard it has set for all residents of Washington for its commitment to social justice and its legacy to our future generations.

HOUSE RESOLUTION NO. 4652 was adopted.

## MESSAGE FROM THE SENATE

April 14, 2009

Mr. Speaker:

The President has signed the following:

SUBSTITUTE SENATE BILL NO. 5044,  
SUBSTITUTE SENATE BILL NO. 5117,  
SUBSTITUTE SENATE BILL NO. 5267,  
SUBSTITUTE SENATE BILL NO. 5276,  
SENATE BILL NO. 5298,  
SENATE BILL NO. 5303,  
SUBSTITUTE SENATE BILL NO. 5326,  
SUBSTITUTE SENATE BILL NO. 5480,  
SENATE BILL NO. 5587,  
SECOND SUBSTITUTE SENATE BILL NO. 5676,  
SUBSTITUTE SENATE BILL NO. 5752,  
SUBSTITUTE SENATE BILL NO. 5765,  
SUBSTITUTE SENATE BILL NO. 5882,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

## INTRODUCTION AND FIRST READING

HB 2352 by Representatives Morrell, Walsh, Kagi, Dickerson and Hinkle

AN ACT Relating to long-term care worker training and credentialing; amending RCW 74.39A.009, 74.39A.073, 18.88B.040, 74.39A.050, and 74.39A.340; and repealing RCW 74.39.070.

Referred to Committee on Ways & Means.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

The Speaker assumed the chair.

## SIGNED BY THE SPEAKER

The Speaker signed the following:

SUBSTITUTE HOUSE BILL NO. 1022  
HOUSE BILL NO. 1063  
HOUSE BILL NO. 1264  
SUBSTITUTE HOUSE BILL NO. 1397  
SUBSTITUTE HOUSE BILL NO. 1413  
SUBSTITUTE HOUSE BILL NO. 1419  
HOUSE BILL NO. 1426  
ENGROSSED HOUSE BILL NO. 1461  
HOUSE BILL NO. 1498  
SUBSTITUTE HOUSE BILL NO. 1505  
SECOND SUBSTITUTE HOUSE BILL NO. 1522  
SUBSTITUTE HOUSE BILL NO. 1532  
HOUSE BILL NO. 1578  
SUBSTITUTE HOUSE BILL NO. 1733  
SUBSTITUTE HOUSE BILL NO. 1984  
SUBSTITUTE HOUSE BILL NO. 2052  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2105  
HOUSE JOINT MEMORIAL NO. 4000  
HOUSE JOINT MEMORIAL NO. 4005  
SENATE BILL NO. 5015  
SUBSTITUTE SENATE BILL NO. 5044  
SUBSTITUTE SENATE BILL NO. 5117  
SUBSTITUTE SENATE BILL NO. 5267  
SUBSTITUTE SENATE BILL NO. 5276  
SENATE BILL NO. 5298

SENATE BILL NO. 5303  
 SUBSTITUTE SENATE BILL NO. 5326  
 SENATE BILL NO. 5356  
 SUBSTITUTE SENATE BILL NO. 5480  
 SUBSTITUTE SENATE BILL NO. 5571  
 SENATE BILL NO. 5587  
 SUBSTITUTE SENATE BILL NO. 5613  
 SECOND SUBSTITUTE SENATE BILL NO. 5676  
 SUBSTITUTE SENATE BILL NO. 5752  
 SUBSTITUTE SENATE BILL NO. 5765  
 SUBSTITUTE SENATE BILL NO. 5776  
 SUBSTITUTE SENATE BILL NO. 5797  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5873  
 SUBSTITUTE SENATE BILL NO. 5882  
 SENATE BILL NO. 6068  
 SENATE JOINT MEMORIAL NO. 8006  
 SENATE JOINT MEMORIAL NO. 8012  
 SENATE JOINT MEMORIAL NO. 8013

### SPEAKER'S PRIVILEGE

Mr. Speaker (Representative Moeller presiding) introduced House intern Esther Ham and asked the Chamber to acknowledge her.

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

### SECOND READING

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5688, by Senate Committee on Ways & Means (originally sponsored by Senators Murray, McDermott, Kohl-Welles, Fairley, Hobbs, Ranker, Pridemore, Kauffman, Kline, Keiser, Regala, Fraser, Prentice, Oemig, Franklin, McAuliffe, Jarrett, Brown, Kilmer and Tom)**

**Expanding the rights and responsibilities of state registered domestic partners.**

The bill was read the second time.

With the consent of the House, amendments (671), (676), (679), (680), (677), (678), and (675) were withdrawn.

Representative Shea moved the adoption of amendment (673):

On page 4, after line 22, insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 26.60 RCW to read as follows:

(1) The legislature recognizes that the First Amendment to the United States Constitution provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..." and Article I, section 11 of the Washington state Constitution provides that "Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual..." (2) The legislature further recognizes that there is a substantial and distinct difference between a person's discriminating decisions or acts based on one's view of another person's sexual orientation versus a person's discriminating decisions or acts based on one's view of marriage, including marriage as a civil union only between one man and one woman. The legislature further finds that such decisions or acts are not one and the same since one decision or act is based on a person's view of sexual

orientation and the other decision or act is based on a person's view of marriage, regardless of a person's sexual orientation.

**NEW SECTION. Sec. 2.** A new section is added to chapter 26.60 RCW to read as follows:

Pursuant to the United States and Washington state Constitutions, every person enjoys freedom of religion, therefore, any private individual, organization, including any religious sect, denomination, or society, or any other entity, lawfully acting consistent with a sincerely held religious belief regarding what constitutes marriage, including marriage as a civil union only between one man and one woman, shall be immune from civil and criminal liability for any refusal to participate in, endorse, facilitate, or otherwise assist, any marriage or marriage ceremony, reception, or other activity related to marriage, or any domestic partnership or domestic partnership ceremony, reception, or other activity related to such domestic partnership, that conflicts with those sincerely held religious beliefs.

**NEW SECTION. Sec. 3.** A new section is added to chapter 26.60 RCW to read as follows:

(1) The legislature recognizes that the First Amendment to the United States Constitution provides that "Congress shall make no law...abridging the freedom of speech..." and Article I, section 5 of the Washington state Constitution provides that "Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right."

(2) The legislature further recognizes that there is a substantial and distinct difference between lawfully expressing one's belief or opinion for or against domestic partnerships based on one's view of a person's sexual orientation versus lawfully expressing one's beliefs or opinions for or against domestic partnerships based on one's view of marriage, including marriage as a civil union only between one man and one woman. The legislature further finds that such expressions of belief are not one and the same since one form of speech is based on the person's view of a person's sexual orientation and the other form of speech is based on the person's view of marriage, regardless of a person's sexual orientation.

**NEW SECTION. Sec. 4.** A new section is added to chapter 26.60 RCW to read as follows:

Pursuant to the United States and Washington state Constitutions, every person enjoys freedom of speech, and therefore any private individual, organization, including any religious sect, denomination, or society, or any other entity, is immune from civil and criminal liability for any lawful speech expressing its beliefs or opinions regarding domestic partnerships or other types of civil unions and for any lawful speech expressing its beliefs or opinions regarding marriage, including marriage as a civil union only between one man and one woman."

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

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

Representatives Pedersen and Goodman spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (673) to Engrossed Second Substitute Senate Bill No. 5688.

**MOTION**

On motion of Representative Santos, Representative Flannigan was excused.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (673) to Engrossed Second Substitute Senate Bill No. 5688 and the amendment was not adopted by the following vote: Yeas, 40; Nays, 57; Absent, 0; Excused, 1.

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

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, 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, Walsh, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (673) was not adopted.

Representative Rodne moved the adoption of amendment (674):

On page 4, after line 22, insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 26.60 RCW to read as follows:

(1) The legislature has expressly declared that Washington state has a compelling state interest in reaffirming its historical commitment to the institution of marriage as a union between a man and a woman as husband and wife and in protecting that institution, and has further declared its intent to establish public policy against same-sex marriage that clearly and definitively declares same-sex marriages will not be recognized in Washington, even if they are made legal in other states.

(2) The legislature has enacted statutory law that prohibits marriages when the parties are persons other than a male and a female, and provides that marriages between two persons other than a male and a female that are recognized as valid in other jurisdictions are not valid or recognized in this state.

(3) Nothing in this act, or any other provision of this code, is intended, or shall be construed, to modify or supersede state law pertaining to what constitutes marriage, to promote or endorse same-sex marriage or any specific belief, practice, behavior, preference, or orientation, or to denominate registered domestic partnerships as lawful marriage since that nomenclature applies only to marriage between a man and a woman as husband and wife under existing state law."

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

Representatives Rodne, Hinkle and Ericksen spoke in favor of the adoption of the amendment.

Representatives Santos and Seaquist spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (681) to Engrossed Second Substitute Senate Bill No. 5688.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (681) to Engrossed Second Substitute Senate Bill No. 5688 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 56; Absent, 0; Excused, 1.

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

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, 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, Walsh, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (674) was not adopted.

Representative Shea moved the adoption of amendment (681):

On page 4, after line 22, insert the following:

**"Sec. 1.** RCW 26.04.010 and 1998 c 1 s 3 are each amended to read as follows:

(1) Marriage is a civil contract between a male and a female who have each attained the age of eighteen years, and who are otherwise capable.

(2) Marriage does not include a registered domestic partnership between two males or two females or between a male and a female created under chapter 26.60 RCW.

(3) Every marriage entered into in which either the husband or the wife has not attained the age of seventeen years is void except where this section has been waived by a superior court judge of the county in which one of the parties resides on a showing of necessity.

**Sec. 2.** RCW 26.04.020 and 1998 c 1 s 4 are each amended to read as follows:

(1) Marriages in the following cases are prohibited:

(a) When either party thereto has a wife or husband living at the time of such marriage;

(b) When the husband and wife are nearer of kin to each other than second cousins, whether of the whole or half blood computing by the rules of the civil law; or

(c) When the parties are persons other than a male and a female.

(2) A registered domestic partnership between two males or two females or between a male and a female created under chapter 26.60 RCW does not constitute lawful marriage in this state.

(3) It is unlawful for any man to marry his father's sister, mother's sister, daughter, sister, son's daughter, daughter's daughter, brother's daughter or sister's daughter; it is unlawful for any woman to marry her father's brother, mother's brother, son, brother, son's son, daughter's son, brother's son or sister's son.

((3)) (4) A marriage between two persons that is recognized as valid in another jurisdiction is valid in this state only if the marriage is not prohibited or made unlawful under subsection (1)(a), (1)(c), or ((2)) (3) of this section."

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

Correct the title.

Representatives Shea, Warnick and Ericksen spoke in favor of the adoption of the amendment.

Representatives Rolfes and Hudgins spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (681) to Engrossed Second Substitute Senate Bill No. 5688.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (681) to Engrossed Second Substitute Senate Bill No. 5688 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 56; Absent, 0; Excused, 1.

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

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Goodman, Grant-Herriot, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, 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, Walsh, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (681) was not adopted.

Representative Ross moved the adoption of amendment (672):

On page 42, after line 13, insert the following:

**"NEW SECTION. Sec. 73.** A new section is added to chapter 28A.150 RCW to read as follows:

(1) Public school-sponsored, school-authorized, or school-distributed curricula, materials, classes, programs, or activities that present, describe, or discuss lawful marriage in Washington state

shall present, describe, or discuss lawful marriage as only between a man and a woman as husband and wife under existing state law.

(2) No public school-sponsored, school-authorized, or school-distributed curriculum, material, class, program, or activity shall present, describe, designate, or denominate same-sex relationships and unions, including domestic partnerships between a man and a man, a woman and a woman, or a man and a woman, as lawful marriage in Washington state since that nomenclature applies only to lawful marriage between a man and a woman as husband and wife under existing state law."

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

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

Representatives Quall and Appleton spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (672) to Engrossed Second Substitute Senate Bill No. 5688.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (672) to Engrossed Second Substitute Senate Bill No. 5688 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 56; Absent, 0; Excused, 1.

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

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

Excused: Representative Flannigan.

Amendment (672) was not adopted.

Representative Rodne moved the adoption of amendment (670):

On page 111, after line 23, insert the following:

**"NEW SECTION. Sec. 200.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

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

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

Representatives Takko and Eddy spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (670) to Engrossed Second Substitute Senate Bill No. 5688.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (670) to Engrossed Second Substitute Senate Bill No. 5688 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 56; Absent, 0; Excused, 1.

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

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

Excused: Representative Flannigan.

Amendment (670) was not adopted.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on adoption of amendment (670) to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5688.  
DAVE UPTHEGROVE, 33th District

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

Representatives Pedersen, Ericks, Finn, Linville, Kessler, Lias, Eddy, Goodman and Simpson spoke in favor of the passage of the bill.

Representatives Rodne, Angel, Orcutt, McCune, Short, Alexander, Roach, Miloscia, Anderson, Shea and Cox spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5688.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5688, and the bill passed the

House by the following vote: Yeas, 62; Nays, 35; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, 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, Walsh, White, Williams, Wood and Mr. Speaker.

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

Excused: Representative Flannigan.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5688, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5452, by Senators Kauffman, Kohl-Welles, Tom, Delvin, Kline, Honeyford, Kilmer, Jarrett, McCaslin, Fraser, Prentice, Shin and McDermott**

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

The bill was read the second time.

Representative Warnick moved the adoption of amendment (543):

On page 1, line 7, after "((five))", strike "seven" and insert "six"

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

Amendment (543) 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 Dunshee and Warnick 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. 5452, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5452, as amended by the House, and the bill passed the House by the following vote: Yeas, 73; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins,

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

Voting nay: Representatives Anderson, Angel, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Hurst, Kretz, Kristiansen, McCune, Parker, Pearson, Roach, Ross, Schmick, Shea, Short and Taylor.

Excused: Representative Flannigan.

SENATE BILL NO. 5452, 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.**

There being no objection, the House resumed consideration of ENGROSSED SUBSTITUTE SENATE BILL NO. 5746. The House was on debate of amendment (558) to the committee amendment by the Committee on Human Services which was before the House for purpose of amendment on Day 88th, April 9, 2009 and the debate continued on the amendment to the committee amendment.

Representatives Dickerson, Hudgins and Ross spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (558) 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 Dickerson and Ross spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5746, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5746, 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, 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.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5746, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5610, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Delvin, Sheldon, Berkey, Jarrett and Shin)**

**Authorizing the release of driving record abstracts for employment and risk management purposes. Revised for 1st Substitute: Authorizing the release of driving record abstracts for employment purposes.**

The bill was read the second time.

Representative Lias moved the adoption of amendment (684):

On page 2, line 14, after "purposes" insert "related to driving by an individual as a condition of that individual's employment or otherwise at the direction of the employer or organization"

On page 2, line 15, after "(2)" insert the following:

"Nothing in this section shall be interpreted to prevent a court from providing a copy of the driver's abstract to the individual named in the abstract, provided that the named individual has a pending case in that court for a suspended license violation or an open infraction or criminal case in that court that has resulted in the suspension of the individual's driver's license. A pending case includes criminal cases that have not reached a disposition by plea, stipulation, trial, or amended charge. An open infraction or criminal case includes cases on probation, payment agreement or subject to, or in collections. Courts may charge a reasonable fee for production and copying of the abstract for the individual.

(3)"

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

On page 4, line 36, after "purposes" insert "related to driving by an individual as a condition of that individual's employment or otherwise at the direction of the employer or organization"

On page 5, line 23, after "purposes" insert "related to driving by an individual as a condition of that individual's employment or otherwise at the direction of the employer or organization"

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

"Sec. 2. RCW 46.01.260 and 1999 c 86 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the director, in his or her discretion, may destroy applications for vehicle licenses, copies of vehicle licenses issued, applications for drivers' licenses, copies of issued drivers' licenses, certificates of title and registration or other documents, records or supporting papers on file in his or her office which have been microfilmed or photographed or are more than five years old. If the applications for vehicle licenses are renewal applications, the director may destroy such applications when the computer record thereof has been updated.

(2)(a) The director shall not destroy records of convictions or adjudications of RCW 46.61.502, 46.61.504, 46.61.520, and 46.61.522, or records of deferred prosecutions granted under RCW 10.05.120 and shall maintain such records permanently on file.

(b) The director shall not, within fifteen years from the date of conviction or adjudication, destroy records ((of the following:

(i) Convictions or adjudications of the following offenses: RCW 46.61.502 or 46.61.504; or

(ii) I)if the offense was originally charged as one of the offenses designated in (a) ((or (b)(i))) of this subsection, convictions or adjudications of the following offenses: RCW 46.61.500 or 46.61.5249, or any other violation that was originally charged as one of the offenses designated in (a) ((or (b)(i))) of this subsection.

(c) For purposes of RCW 46.52.101 and 46.52.130, offenses subject to this subsection shall be considered "alcohol-related" offenses."

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

Amendment (684) 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.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5610, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5610, 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. 5610, as amended by the House, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2327, by Representatives Linville and Ericks**

#### **Eliminating or reducing the frequency of reports prepared by state agencies.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2327 was substituted for House Bill No. 2327 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2327 was read the second time.

Representative Bailey moved the adoption of amendment (692):

On page 31, beginning on line 26, strike all of section 28  
Correct the title.

Representatives Bailey and Linville spoke in favor of the adoption of the amendment.

Amendment (692) was adopted. The bill was ordered engrossed.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2327.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2327 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 SUBSTITUTE HOUSE BILL NO. 2327, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5473, by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Kastama, Kilmer, Pridemore, McAuliffe and Sheldon)**



**Expediting completion of projects of statewide significance. Revised for 1st Substitute: Expediting completion of projects of statewide significance. (REVISED FOR ENGROSSED: Designating projects of statewide significance.)**

The bill was read the second time.

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

Representative Bailey moved the adoption of amendment (693) to the committee amendment:

On page 13, beginning on line 8 of the amendment, strike all of section 11

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

Representative Maxwell spoke against the adoption of the amendment to the committee amendment.

Amendment (693) to the committee amendment 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.

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5473, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5473, as amended by the House, and the bill passed the House by the following vote: Yeas, 86; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, 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, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Crouse, Klippert, Kretz, Kristiansen, Pearson, Shea, Short and Taylor.

Excused: Representatives Flannigan and Hinkle.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5473, as amended by the House, having received the necessary constitutional majority, was declared passed.

### SENATE BILL NO. 5120, by Senators Fairley, McDermott and Holmquist

#### Regarding agricultural structures.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on General Government Appropriations was before the House for purpose of amendment. (For committee amendment, see Journal, Day 82, April 3, 2009.)

Representative Simpson moved the adoption of amendment (699) to the committee amendment:

On page 2, line 15 of the striking amendment, after "by" strike "counties" and insert "eight counties, as determined by the auditor. In selecting counties for the audit, the auditor must choose four counties located west of the crest of the Cascade mountain range, and four counties located east of the crest of the Cascade mountain range. The selected counties must represent a diversity of agricultural economies"

On page 2, line 27 of the striking amendment, after "December" strike "1" and insert "31"

Representatives Simpson and Warnick spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (699) 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 Simpson and Angel 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. 5120, as amended by the House.

### MOTION

On motion of Representative Kristiansen, Representative Hinkle was excused.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5120, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

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, 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.

Excused: Representatives Flannigan and Hinkle.

SENATE BILL NO. 5120, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5599, by Senators McDermott, Oemig, Kohl-Welles, Pridemore, Marr, Brown, Tom, Kline, McAuliffe, Regala and Shin**

**Approving the entry of Washington into the agreement among the states to elect the president by national popular vote.**

The bill was read the second time.

With the consent of the House, amendments (499), (500), (509) and (503) were withdrawn.

Representative Pedersen moved the adoption of amendment (629):

On page 1, from the beginning of line 7, strike all of section 1 and insert the following:

**"NEW SECTION. Sec. 1.** It is the intent of the legislature to enter into the agreement among the states to elect the president by national popular vote without taking into account any concerns raised by legislators or citizens of the State of Washington. This agreement is a contract of adhesion created by the first state to pass it, negotiated by people outside of the State of Washington, and without any opportunity for the legislature to revise or improve it. As with any contract of adhesion, it must be accepted in precisely the same terms that constitute the offer, without any ability to negotiate it or change its terms. The legislature specifically intends to ignore concerns raised regarding the failure of the compact to contain any procedure for a recount in the case of a close election; the failure of the compact to provide for a process when no candidate receives a majority of the popular vote cast; and the failure of the compact to require any uniform standards among member states regarding the elections process. Any material variance between the offer and acceptance precludes the formation of a contract. Because there are only three more legislative sessions before the next presidential election, it is of critical importance that the legislature act immediately and not take the time to address the concerns raised. Therefore, the agreement among the states to elect the president by national popular vote must be enacted by Washington under identical terms as contained in the agreement and as enacted by Hawaii, Illinois, Maryland, and New Jersey, subject to only nonmaterial changes."

Representatives Pedersen, Ericksen, and Armstrong spoke in favor of the adoption of the amendment.

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

Mr. Speaker (Representative Moeller presiding): "The Speaker would remind all the members that one of the rules of debate under House Rule 4 (B) is to confine your remarks in debate to the question at hand. I ask for your cooperation."

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

Representatives Goodman, Walsh, Dunshee and Anderson spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (629) to Senate Bill No. 5599.

#### **MOTION**

On motion of Representative Santos, Representative Clibborn was excused.

#### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (629) to Senate Bill No. 5599 and the amendment was not adopted by the following vote: Yeas, 43; Nays, 52; Absent, 0; Excused, 3.

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

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

Excused: Representatives Clibborn, Flannigan and Hinkle.

Amendment (629) was not adopted.

Representative Kretz moved the adoption of amendment (475):

On page 5, line 28, after "compact," insert "and the secretary of state has certified that none of the votes counted in determining where Washington's electoral college votes should be directed was cast by a felon who was incarcerated at the time the vote was cast."

Representatives Kretz, Armstrong, Shea, Ericksen, Anderson, Armstrong, Orcutt, Shea (again) and Herrera spoke in favor of the adoption of the amendment.

Representatives Darneille, Goodman, Goodman (again) and Appleton spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (475) to Senate Bill No. 5599.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (475) to Senate Bill No. 5599 and the amendment was not adopted by the following vote: Yeas, 40; Nays, 55; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, 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, Blake, Carlyle, Chase, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, 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: Representatives Clibborn, Flannigan and Hinkle.

Amendment (475) was not adopted.

Representative Shea moved the adoption of amendment (476):

On page 5, line 28, after "compact," insert "and the secretary of state has certified that the candidate for president who is the winner of the national popular vote also received the most or second most votes for president in Washington."

Representatives Shea, Rodne, Armstrong, Ericksen, Orcutt, Shea (again) and Anderson spoke in favor of the adoption of the amendment.

Representatives White, Hunt, Lias, Dunshee, Hurst and Goodman spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (476) to Senate Bill No. 5599.

### MOTION

On motion of Representative Parker, Representative DeBolt was excused.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (476) to Senate Bill No. 5599 and the amendment was not adopted by the following vote: Yeas, 40; Nays, 54; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta, Cox, Crouse, Dammeier, Ericksen, Grant-Herriot, Haler, Herrera, Hope, Johnson, Klippert, Kretz, Kristiansen, Lias, McCune, Miloscia,

Orcutt, Orwall, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

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

Excused: Representatives Clibborn, DeBolt, Flannigan and Hinkle.

Amendment (476) was not adopted.

Representative Chandler moved the adoption of amendment (479):

On page 5, line 28, after "compact," insert "and the secretary of state has certified that the candidates for president whose names appeared on the ballot in Washington also appeared on the ballots of every other state and the District of Columbia and the candidates for president that appeared on the ballots in other states and the District of Columbia also appeared on the ballot in Washington."

Representatives Chandler, Armstrong and Shea spoke in favor of the adoption of the amendment.

Representative Appleton spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (479) to Senate Bill No. 5599.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (479) to Senate Bill No. 5599 and the amendment was not adopted by the following vote: Yeas, 37; Nays, 57; Absent, 0; Excused, 4.

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

Voting nay: Representatives Appleton, Blake, Chase, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, 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.

Excused: Representatives Clibborn, DeBolt, Flannigan and Hinkle.

Amendment (479) was not adopted.

Representative Armstrong moved the adoption of amendment (505):

On page 5, line 30, after "compact," insert "so long as the election did not result in a recount in any state,"

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

Representative Liias spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (505) to Senate Bill No. 5599.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (505) to Senate Bill No. 5599 and the amendment was not adopted by the following vote: Yeas, 38; Nays, 56; Absent, 0; Excused, 4.

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

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

Excused: Representatives Clibborn, DeBolt, Flannigan and Hinkle.

Amendment (505) was not adopted.

Representative Armstrong moved the adoption of amendment (510):

On page 5, line 30, after "compact," insert "so long as the first place presidential candidate receives at least fifty percent of the votes cast in the national popular election,"

Representatives Armstrong, Ericksen, Anderson and Ericksen (again) spoke in favor of the adoption of the amendment.

Representatives Probst and Goodman spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (510) to Senate Bill No. 5599.

#### MOTION

On motion of Representative Parker, Representative Condotta was excused.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (510) to Senate Bill No. 5599 and the amendment was not adopted by the following vote: Yeas, 39; Nays, 54; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Cox, Crouse, Dammeier, Ericksen, Grant-Herriot, Haler, Herrera, Hope, Hunter, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Pedersen, Priest, Roach, Rodne, Ross, Santos, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick and Wood.

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

Excused: Representatives Clibborn, Condotta, DeBolt, Flannigan and Hinkle.

Amendment (510) was not adopted.

Representative Hudgins moved the adoption of amendment (645):

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

**NEW SECTION, Sec. 4.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation.

Correct the title.

Representatives Hudgins, Pedersen, Armstrong, Shea and Orwall spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (645) to Senate Bill No. 5599.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (645) to Senate Bill No. 5599 and the amendment was not adopted by the following vote: Yeas, 46; Nays, 48; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Cox, Crouse, Dammeier, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hudgins, Hunter, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCune, Orcutt, Orwall, Parker, Pearson, Pedersen, Priest,

Roach, Rodne, Rolfes, Ross, Santos, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick and Wood.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hunt, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pettigrew, Probst, Quall, Roberts, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams and Mr. Speaker.

Excused: Representatives Clibborn, Condotta, DeBolt and Flannigan.

Amendment (645) was not adopted.

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

Representatives Goodman, Hurst, Springer and Liias spoke in favor of the passage of the bill.

Representatives Taylor, Shea, Pearson, Herrera, Parker, Hope, Johnson, Hunter, Orcutt, Rodne, Shea (again), Armstrong, Chandler, Cox 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 Senate Bill No. 5599.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5599, and the bill passed the House by the following vote: Yeas, 52; Nays, 42; Absent, 0; Excused, 4.

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

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

Excused: Representatives Clibborn, Condotta, DeBolt and Flannigan.

SENATE BILL NO. 5599, having received the necessary constitutional majority, was declared passed.

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

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5555  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5560

SUBSTITUTE SENATE BILL NO. 5921

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

There being no objection, the House adjourned until 8:00 a.m., April 16, 2009, the 95th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

