

FIFTY NINTH LEGISLATURE - REGULAR SESSION
THIRTY EIGHTH DAY

House Chamber, Olympia, Wednesday, February 16, 2005

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ashley Nunn and Andrew Hoge. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Rabbi Seth Goldstein, Temple Beth Hatfiloh.

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

INTRODUCTION & FIRST READING

HB 2040 by Representatives Woods, Simpson, Orcutt, Eickmeyer, Holmquist and Curtis

AN ACT Relating to the tax exemption for sales of motorcycles and off-road vehicles to nonresidents; and amending RCW 82.08.0264.

Referred to Committee on Finance.

HB 2051 by Representatives Dunn, Quall and Campbell

AN ACT Relating to higher education; adding new sections to chapter 28B.50 RCW; and creating new sections.

Referred to Committee on Higher Education.

HB 2052 by Representatives Blake, Kilmer, Linville, McCoy and P. Sullivan

AN ACT Relating to cluster-based economic development; amending RCW 43.330.090; and creating a new section.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2053 by Representatives Hankins and Murray

AN ACT Relating to intermediate drivers' licenses; amending RCW 46.20.075; and providing an effective date.

Referred to Committee on Transportation.

HB 2054 by Representative McDermott

AN ACT Relating to salmon and steelhead spawning beds; adding a new section to chapter 77.95 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2055 by Representative Conway

AN ACT Relating to the payment of industrial insurance premiums on construction work; and adding a new section to chapter 51.12 RCW.

Referred to Committee on Commerce & Labor.

HB 2056 by Representatives Conway and Wood

AN ACT Relating to recreational vehicle shows; amending RCW 46.70.011; and adding a new section to chapter 46.70 RCW.

Referred to Committee on Commerce & Labor.

HB 2057 by Representatives Kenney, Upthegrove, Cox and Sommers

AN ACT Relating to tuition waiver authority for regional universities and The Evergreen State College; and amending RCW 28B.15.910.

Referred to Committee on Higher Education.

HB 2058 by Representatives Quall, Talcott, P. Sullivan, Anderson, Appleton, O'Brien and Lovick

AN ACT Relating to school employees convicted of or pleading guilty to sex crimes; and amending RCW 43.43.845.

Referred to Committee on Education.

HB 2059 by Representatives Springer, P. Sullivan, B. Sullivan and Wallace

AN ACT Relating to preservation of claim rights in construction disputes; amending RCW 4.24.370, 4.24.380, and 64.50.020; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

HB 2060 by Representatives Cody, Schual-Berke, Appleton, Morrell, Moeller, Green and Clibborn

AN ACT Relating to expanding participation in state purchased health care programs; and amending RCW 70.47.020, 70.47.060, and 48.43.018.

Referred to Committee on Health Care.

HB 2061 by Representatives Darneille, Moeller and Dickerson

AN ACT Relating to requiring disposition to be held in juvenile court in certain circumstances when a case is automatically transferred to adult court; and amending RCW 13.04.030 and 13.40.300.

Referred to Committee on Juvenile Justice & Family Law.

HB 2062 by Representatives Darneille, Nixon, Simpson, Hunt, Upthegrove, Green, Chase, Dickerson, Moeller, Flannigan and Pettigrew

AN ACT Relating to tracking the voter registration of former felons; amending RCW 9.94A.637; adding new sections to chapter 29A.08 RCW; and creating a new section.

Referred to Committee on State Government Operations & Accountability.

HB 2063 by Representatives Wallace, Dunn, Santos, Blake and McCune

AN ACT Relating to the use by local governments of real estate excise tax revenue; amending RCW 82.46.010; and reenacting and amending RCW 82.46.035.

Referred to Committee on Local Government.

HB 2064 by Representatives Roberts, McDonald, Darneille, Moeller, Ericks, Lantz and McCune

AN ACT Relating to the date of the offense for the purposes of automatic transfer of jurisdiction; and amending RCW 13.04.030.

Referred to Committee on Juvenile Justice & Family Law.

HB 2065 by Representatives Williams and DeBolt

AN ACT Relating to intercounty rural library districts; amending RCW 27.12.190 and 27.12.355; and adding new sections to chapter 27.12 RCW.

Referred to Committee on Local Government.

HB 2066 by Representatives Williams, Newhouse, Linville, Lantz and Hunt

AN ACT Relating to improving methods for water rights dispute resolution; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2067 by Representatives Hasegawa, Haler, Roberts, Ormsby, Green, Sells and Moeller

AN ACT Relating to establishment of a legislative/executive task force on health care access, delivery, and financing; and creating new sections.

Referred to Committee on Health Care.

HB 2068 by Representatives Hasegawa and Buri

AN ACT Relating to children testifying in dissolution proceedings; and amending RCW 26.09.187.

Referred to Committee on Juvenile Justice & Family Law.

HB 2069 by Representatives Morrell, Hankins, Cody and Sells; by request of Governor Gregoire

AN ACT Relating to expanding access to insurance coverage through the small business assist program; amending RCW 70.47.010, 70.47.015, 70.47.020, 70.47.060, 70.47.100, 70.47.120, 70.47.130, 70.47.160, and 41.05.140; reenacting and amending RCW 43.79A.040; and adding new sections to chapter 70.47 RCW.

Referred to Committee on Health Care.

HB 2070 by Representatives Cody, Condotta and Wood

AN ACT Relating to authorizing horse racing handicapping contests for patrons of a class 1 racing association live race meet; and adding a new section to chapter 67.16 RCW.

Referred to Committee on Commerce & Labor.

HB 2071 by Representatives Cody and P. Sullivan

AN ACT Relating to exempting a horse racing license from public inspection; and reenacting and amending RCW 42.17.310.

Referred to Committee on State Government Operations & Accountability.

HB 2072 by Representatives Simpson, Appleton, Woods, Cody and P. Sullivan

AN ACT Relating to licensing exemptions for transporting persons at horse races; amending RCW 46.25.050; and reenacting and amending RCW 46.16.010.

Referred to Committee on Transportation.

HB 2073 by Representative Dickerson

AN ACT Relating to juvenile sentencing alternatives; and amending RCW 13.40.167.

Referred to Committee on Juvenile Justice & Family Law.

HB 2074 by Representatives Nixon and Shabro

AN ACT Relating to creating Cascade county by striking from King county the territory outside the city of Seattle; adding a new chapter to Title 36 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Local Government.

HB 2075 by Representatives Tom and McDermott

AN ACT Relating to cigarette taxes; adding a new section to chapter 82.24 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2076 by Representative Dunshee

AN ACT Relating to binding interest arbitration for certificated school employees; amending RCW 41.59.020; adding new sections to chapter 41.59 RCW; repealing RCW 41.59.120; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2077 by Representative Simpson

AN ACT Relating to example critical areas policies or regulations; and amending RCW 36.70A.172, 36.70A.280, and 36.70A.290.

Referred to Committee on Local Government.

HB 2078 by Representative Simpson

AN ACT Relating to deferrals of required comprehensive plan and development regulation updates; and amending RCW 36.70A.130.

Referred to Committee on Local Government.

HB 2079 by Representative Simpson

AN ACT Relating to establishing compliance tiers for review and revision requirements mandated by RCW 36.70A.130; amending RCW 36.70A.130; providing an effective date; and declaring an emergency.

Referred to Committee on Local Government.

HB 2080 by Representatives Dunn, Pettigrew, Chase and Holmquist

AN ACT Relating to higher education; adding new sections to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Education.

HJM 4018 by Representatives Sells, Kenney, Dunshee, Haler, Ormsby, Nixon, Linville, Fromhold, Hinkle, Roberts, Flannigan, McCoy, Holmquist, Appleton, Dunn, Morrell, Ericks, Green, Hasegawa and Williams

Requesting electricity rates to not be increased.

Referred to Committee on Technology, Energy & Communications.

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

REPORTS OF STANDING COMMITTEES

February 14, 2005

HB 1120 Prime Sponsor, Representative Dunshee: Returning interest earned to the community and technical college capital projects account. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Ormsby, Vice Chairman; Jarrett, Ranking Minority Member; Hankins, Assistant Ranking Minority Member; Blake; Chase; Cox; DeBolt; Eickmeyer; Ericks; Ericksen; Flannigan; Green; Hasegawa; Holmquist; Kretz; Kristiansen; Lantz; McCune; Moeller; Morrell; Newhouse; O'Brien; Roach; Schual-Berke; Serben; Springer; Strow and Upthegrove.

Referred to Committee on Appropriations.

February 11, 2005

HB 1140 Prime Sponsor, Representative Bailey: Developing a schedule of fees for performing independent reviews of health care disputes. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Clibborn; Condotta; Green; Hinkle; Lantz; Moeller; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 10, 2005

HB 1153 Prime Sponsor, Representative Springer: Equalizing the costs of providing municipal services to newly annexed areas. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; B. Sullivan and Takko.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Woods.

Passed to Committee on Rules for second reading.

February 11, 2005

HB 1170 Prime Sponsor, Representative Dickerson: Eliminating basic health plan eligibility of persons holding student visas. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Clibborn; Condotta; Green; Hinkle; Lantz; Moeller; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 11, 2005

HB 1174 Prime Sponsor, Representative McCoy: Changing veterans' tuition waiver provisions. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Sells, Vice Chairman; Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Buri; Dunn; Fromhold; Hasegawa; Jarrett; Ormsby; Priest; Roberts and Sommers.

Passed to Committee on Rules for second reading.

February 11, 2005

HB 1243 Prime Sponsor, Representative Green: Increasing patient safety through disclosure and analysis of adverse events. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Appleton; Clibborn; Green; Lantz; Moeller and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Condotta; Hinkle and Skinner.

Referred to Committee on Appropriations.

February 11, 2005

HB 1268 Prime Sponsor, Representative Schual-Berke: Regulating stem cell research. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Appleton; Clibborn; Green; Lantz; Moeller and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Condotta; Hinkle and Skinner.

Referred to Committee on Appropriations.

February 11, 2005

HB 1282 Prime Sponsor, Representative Schual-Berke: Regarding sexual health education. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Appleton; Clibborn; Green; Lantz; Moeller and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Condotta; Hinkle and Skinner.

Passed to Committee on Rules for second reading.

February 11, 2005

HB 1290 Prime Sponsor, Representative Cody: Modifying community mental health services provisions. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Clibborn; Green; Hinkle; Lantz; Moeller; Schual-Berke and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta.

Referred to Committee on Appropriations.

February 11, 2005

HB 1291 Prime Sponsor, Representative Cody: Improving patient safety practices. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Bailey, Ranking Minority Member; Appleton; Clibborn; Green; Lantz; Moeller and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Curtis, Assistant Ranking Minority Member; Alexander; Condotta; Hinkle and Skinner.

Referred to Committee on Appropriations.

February 14, 2005

HB 1323 Prime Sponsor, Representative Conway: Changing the membership of the executive committee of the select committee on pension policy. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 14, 2005

HB 1325 Prime Sponsor, Representative Conway: Authorizing interruptive military service credit. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 14, 2005

HB 1327 Prime Sponsor, Representative Alexander: Permitting members of the teachers' retirement system plan 2 and plan 3 who qualify for early retirement or alternate early retirement to make a one-time purchase of additional service credit. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 14, 2005

HB 1330 Prime Sponsor, Representative Conway: Making technical corrections in the general retirement provisions estoppel section, teachers' retirement system, public safety employees' retirement system, the school employees' retirement system, the public employees' retirement system, and the actuarial funding chapter. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 11, 2005

HB 1365 Prime Sponsor, Representative Appleton:
Concerning home and community services' case
management responsibilities. Reported by
Committee on Health Care

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass. Signed
by Representatives Cody, Chairman; Morrell, Vice
Chairman; Bailey, Ranking Minority Member; Appleton;
Clibborn; Green; Hinkle; Lantz; Moeller and Schual-
Berke.

MINORITY recommendation: Do not pass. Signed by
Representatives Curtis, Assistant Ranking Minority
Member; Alexander; Condotta and Skinner.

Passed to Committee on Rules for second reading.

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

The Speaker assumed the chair.

SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO.
5151, By Senate Committee on Government Operations &
Elections (originally sponsored by Senators Franklin, Oke,
Regala, Benton, Rasmussen, Roach, Eide, Haugen, Berkey,
Kline and Fairley)**

**Changing the authority of a metropolitan park district
to dispose of surplus property.**

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 Conway and Simpson spoke in favor of
passage of the bill.

Representatives Schindler and Sump spoke against the
passage of the bill.

The Speaker stated the question before the House to be
the final passage of Engrossed Substitute Senate Bill No. 5151.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed
Substitute Senate Bill No. 5151 and the bill passed the House
by the following vote: Yeas - 69, Nays - 29, Absent - 0,
Excused - 0.

Voting yea: Representatives Appleton, Bailey, Blake,
Campbell, Chase, Clements, Clibborn, Cody, Conway,
Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan,
Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt,
Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz,
Linville, Lovick, McCoy, McDermott, McDonald, McIntire,
Miloscia, Moeller, Morrell, Morris, Murray, Newhouse,
Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach,
Roberts, Santos, Schual-Berke, Sells, Shabro, Simpson,
Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan,
Takko, Talcott, Tom, Upthegrove, Wallace, Williams, Wood
and Mr. Speaker - 69.

Voting nay: Representatives Ahern, Alexander, Anderson,
Armstrong, Buck, Buri, Chandler, Condotta, Cox, Crouse,
Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle,
Holmquist, Kretz, Kristiansen, McCune, Orcutt, Pearson,
Rodne, Schindler, Serben, Sump, Walsh and Woods - 29.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5151,
having received the necessary constitutional majority, was
declared passed.

**SUBSTITUTE SENATE BILL NO. 5097, By Senate
Committee on Labor, Commerce, Research &
Development (originally sponsored by Senators Kohl-
Welles, Kline, Rasmussen, Franklin, Roach and
Pridemore; by request of Governor Locke)**

**Providing for apprenticeship utilization requirements
on public works projects.**

The bill was read the second time.

With the consent of the House, amendment (026) was
withdrawn.

Representative Clements moved the adoption of
amendment (037):

On page 1, line 13, after "Apprenticeship" insert "and other"

On page 1, line 15, after "for" strike "apprenticeship" and insert
"apprentice and trainee"

On page 2, after line 17, insert the following:
"(5) "Trainee" means a worker participating in a training
program other than a state-approved apprenticeship training program.
(6) "Training program" means a state-approved training program
as certified by the department of labor and industries."

On page 2, line 21, after "apprentices" insert "and/or trainees"

On page 2, line 24, after "apprentices" insert "and/or trainees"

On page 2, line 28, after "apprentice" insert "and/or trainee"

On page 3, line 5, after "number" insert ", and/or the name of each trainee"

On page 3, line 9, after "apprentices" insert "and/or trainees"

On page 3, line 24, after "apprentice" insert "and trainee"

Representatives Clements and DeBolt spoke in favor of the adoption of the amendment.

Representative Ormsby spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment (027) was withdrawn.

Representative Condotta moved the adoption of amendment (030):

On page 1, line 15, after "By" strike "providing" and insert "creating an incentive"

On page 2, line 2, after "throughout" strike "this section and sections 1 and 3 of"

On page 2, beginning on line 6, after "(2)" strike all material through "(3)" on line 8

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

On page 2, beginning on line 18, after "Sec. 3." strike all material through "apprentices." on line 21, and insert "(1) An incentive program is hereby established to encourage apprenticeship utilization on public works projects. Beginning July 1, 2005, if at least fifteen percent of the labor hours on a public work estimated to cost at least one million dollars are performed by apprentices, the contracting agency may award an additional amount up to one-half of one percent of the amount of the contract to the contractor."

On page 2, beginning on line 22, after "(2)" strike all material through "(3)" on line 33

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

On page 3, line 10, after "craft;" insert "and"

On page 3, line 12, after "craft" strike "; and" and insert "."

On page 3, beginning on line 13, strike all material through "section." on line 14

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

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Clements moved the adoption of amendment (035):

On page 2, line 5, after "program" insert "or a worker participating in another training program"

On page 2, after line 17, insert the following:

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

On page 2, line 33, after "(3)" insert the following:

"Awarding agency directors shall ensure that apprentices enrolled in state-approved apprenticeship training programs and workers participating in training programs are given fair and equal opportunity to perform labor hours on public works. Awarding agency directors shall not act as gatekeepers that grant access to some apprentices, as defined in this act, and deny access to others.

(4)"

Renumber the remaining subsections and correct internal references.

On page 3, line 5, after "number" insert ", if applicable"

On page 3, after line 26, insert the following:

"NEW SECTION. Sec. 4. (1) An agency may not discriminate against:

(a) An employer bidding or working on a public works project based on enrollment of employees in state-approved apprenticeship training programs or participation of employees in other training programs; or

(b) An employee of an employee bidding or working on a public works project because of enrollment in a state-approved apprenticeship training program or participation in another training programs.

(2) The superior court shall have jurisdiction to restrain violations of subsection (1) of this section, to order all appropriate relief, and to award fees and other expenses, including reasonable attorneys' fees, to prevailing parties."

Renumber the remaining sections and correct internal references.

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

Representative Ormsby spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Condotta moved the adoption of amendment (031):

On page 2, line 18, after "(1)" strike "From January 1, 2005, and thereafter, for" and insert "For" 2

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

Representative Hudgins spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (023):

On page 2, line 21, after "apprentices" insert "if the successful bidder employed fifty or more full-time equivalent employees in the previous year"

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

Representative Hudgins spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (023) to Substitute Senate Bill No. 5097.

ROLL CALL

The Clerk called the roll on the adoption of amendment (023) to Substitute Senate Bill No. 5097, and the amendment was not adopted by the following vote: Yeas - 42, Nays - 56, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Wallace, Walsh and Woods - 42.

Voting nay: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, B.

Sullivan, P. Sullivan, Takko, Upthegrove, Williams, Wood and Mr. Speaker - 56.

Representative Condotta moved the adoption of amendment (025):

On page 3, beginning on line 18, after "(5)" strike all material through "craft." on line 26 and insert "Beginning January 1, 2006, the department of general administration and the department of labor and industries shall report annually to the house committee on commerce and labor and the senate committee on labor, commerce, research and development, or their successor committees, on the implementation of this act. For purposes of the report, the departments shall compile and summarize the agency data. The report shall include recommendations on modifications or improvements to the apprentice utilization program and information on skill shortages in each trade or craft."

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

Representative Sommers spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Sump moved the adoption of amendment (021):

On page 3, beginning on line 29, strike all of section 5 and insert the following:

"NEW SECTION. Sec. 5. The legislature finds that this act codifies executive order 00-01 which requires the use of apprentices on certain public works projects. The legislature further finds that executive order 00-01 is currently in full force and effect.

The legislature further finds that Article II, section 1(b) of the state Constitution reserves to the people the power to file a referendum petition against any act, bill, law, or any part thereof, passed by the legislature. There is an exception to the people's power of referendum, however. When the legislature declares that an act is necessary for the immediate preservation of the public peace, health or safety, or the support of the state government and its existing public institutions, the people's right of referendum is set aside, and the act may take effect sooner than ninety days after the adjournment of the session at which it was enacted.

The legislature notes that the state supreme court has said, "This court is required to grant considerable deference to the Legislature's determination that an emergency exists, giving it every favorable presumption and deferring to its judgment unless it is obvious that the declaration of emergency is false." *CLEAN v. State*, 130 Wn.2d 782, 812 (1996) (finding the Seattle baseball stadium was an emergency). In his concurring opinion in *Washington State Labor Council v. Reed*, 149 Wn.2d 48, 62 (2003) (upholding the people's right to vote on Referendum Measure No. 53), Justice Chambers noted, "The critical question is whether the legislature has encroached upon the constitutional authority reserved to the people."

The legislature further finds that, under the circumstances surrounding this act, no reason exists to cause this bill to take effect sooner than the normal ninety days after the session ends, in that no

benefit will be gained or burden avoided by codifying the existing apprenticeship program. The apprenticeship program is currently in place by virtue of executive order 00-01. Codifying an executive order to create by statute an identical ongoing program is clearly not an emergency and is not needed to protect public peace, health, or safety, nor is it necessary to support the state government and existing public institutions. The only effect of putting an emergency clause on this legislation would be to proscribe the public's constitutional power of referendum, and that the legislature should not and must not do."

Correct the title.

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

Representatives Conway and Kessler spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (021) to Substitute Senate Bill No. 5097.

ROLL CALL

The Clerk called the roll on the adoption of amendment (021) to Substitute Senate Bill No. 5097, and the amendment was not adopted by the following vote: Yeas - 40, Nays - 58, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Sump, Talcott, Tom, Walsh and Woods - 40.

Voting nay: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 58.

Representative Condotta moved the adoption of amendment (028):

On page 3, after line 32, insert the following:

"NEW SECTION. Sec. 6. This act expires June 30, 2007, unless the numbers of active state-approved apprenticeship training

programs, new apprentices, and active apprentices in 2006 exceed the numbers of active state-approved apprenticeship programs, new apprentices, and active apprentices in 2000."

Correct the title.

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

Representative Wood spoke against the adoption of the amendment.

The amendment was not adopted.

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

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

Representatives Sump and Armstrong spoke against the passage of the bill.

SPEAKER'S RULING

Mr. Speaker:

Representative Sells spoke in favor of passage of the bill.

Representative Clements spoke against the passage of the bill.

SPEAKER'S RULING

Mr. Speaker:

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

Representatives Orcutt, DeBolt and Curtis spoke against the passage of the bill.

SPEAKER'S RULING

Mr. Speaker:

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

Representative Hinkle spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5097.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5097 and the bill passed the House by the following vote: Yeas - 58, Nays - 40, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 58.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 40.

SUBSTITUTE SENATE BILL NO. 5097, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1194, By Representatives Simpson, Campbell, Appleton, Clements, Cody, Sommers, P. Sullivan, Morrell, Schual-Berke, Chase, Dickerson, Kenney, O'Brien, Clibborn, Conway, Green, Sells, Kagi, Ormsby, Wallace, Upthegrove, Hasegawa and Kilmer

Regarding reimportation of prescription drugs.

The bill was read the second time.

Representative Condotta moved the adoption of amendment (033):

On page 2, line 29, after "drugs" insert ". The waiver request shall be submitted to the United States food and drug administration within sixty days of the effective date of this section. If waiver approval is not received in writing by December 1, 2005, this act is null and void"

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

Representative Simpson spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Simpson, Campbell, Morrell and Kilmer spoke in favor of passage of the bill.

Representatives Bailey, Curtis, Nixon, Ahern, Ericksen, Anderson, Alexander, Skinner and Jarrett spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1194.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1194 and the bill passed the House by the following vote: Yeas - 56, Nays - 17, Absent - 0, Excused - 0, Not Voting - 25.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Wallace, Williams, Wood, and Mr. Speaker - 56.

Voting nay: Representatives Ahern, Alexander, Bailey, Buri, Clements, Condotta, Cox, Curtis, Hankins, Jarrett, McCune, Nixon, Orcutt, Rodne, Schindler, Serben, and Strow - 17.

HOUSE BILL NO. 1194, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

Representative Kessler, having voted on the prevailing side, moved that the House immediately reconsidered the vote by which HOUSE BILL NO. 1194 was passed. The motion was adopted.

Representative Curtis spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1194 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1194 on reconsideration, and the bill passed the House by the following vote: Yeas - 56, Nays - 42, Absent - 0, Excused - 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 56.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 42.

HOUSE BILL NO. 1194 on reconsideration, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., February 17, 2005, the 39th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk