

FIFTY THIRD DAY

House Chamber, Olympia, Thursday, March 4, 2010

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages John Mendez and Sophie DeBolt. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Carrie McClain, River Ridge Covenant Church, Lacey.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 4694, by Representatives Miloscia and Priest

WHEREAS, The heroic achievements of Apolo Anton Ohno and J.R. Celski will inspire generations of Americans and sports lovers around the world, and will live forever in the annals of the Olympic Games; and

WHEREAS, Before they became champions on ice, Apolo Anton Ohno and J.R. Celski learned in-line skating in Federal Way at Pattison's West Skating Center, which the New York Times has named "Washington State's Rink of Dreams"; and

WHEREAS, Apolo Anton Ohno decided to become a world champion skater in Copalis Beach, Washington, and went on to become the reigning eight-time United States Short Track Speedskating Champion, and the most decorated American in the history of the Olympic Winter Games, with three Olympics and eight Olympic medals to his name, including two gold, two silver, and four bronze medals; and

WHEREAS, Apolo Anton Ohno united his physical gifts with a strong and determined character and a winning personality that is a tribute not only to him and his coaches, but also to his proud father, Yuki Ohno, who owns the Seattle hair salon Yuki's Diffusions, and who raised Apolo Anton Ohno as a single parent; and

WHEREAS, Apolo Anton Ohno and his dance partner, Julianne Hough, won the Dancing with the Stars championship in 2007, which added to his glory far beyond the short track, and helped him to achieve his current ranking as America's all-time favorite Winter Olympian by the online Smithsonian Magazine poll; and

WHEREAS, John Robert Celski is blessed with a strong family and was inspired to excel by his father, Bob Celski, his mother, Sue Celski, and his two older brothers, Chris and David Celski. He is known the world over as J.R. Celski because that name honors his father and his mother's late brother, Al Mendoza Sabado, Jr.; and

WHEREAS, J.R. Celski got his first skates on his third birthday in Federal Way and was later inspired by Apolo Anton Ohno's 2002 Olympic victories to become a speedskating champion. He won his first short track medal at age 12 and went on to earn medals at the U.S. Junior Championships, World Junior Championships, and U.S. Championships before astounding the speedskating world by becoming a five-time medalist at the 2009 World Championships; and

WHEREAS, J.R. Celski sliced his leg to the bone just five months before the 2010 Olympic Winter Games and thought for a moment that his Olympic dream was over, but his mother ran onto the ice and told him, "No, it's not over, J.R. you're going to be fine." He didn't give up; he healed and trained and worked hard every day and rejoined Team USA; he competed against the best in the world in the men's 1,500 meter race and 5,000 meter relay race; and he won two bronze medals for himself and for our country; and

WHEREAS, Apolo Anton Ohno and J.R. Celski became athletic champions while continuing to pursue their education, which should be an inspiration to the dreams of young men and women everywhere;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize Apolo Anton Ohno and J.R. Celski for being true champions who have brought honor to their sport, to Team USA, to their families, to their home towns of Federal Way and Seattle, to Washington state, and to the United States of America; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the International Olympic Committee, United States Olympic Committee, United States Speedskating, Pattison's West Skating Center, Yuki Ohno, Apolo Anton Ohno, Bob and Sue Celski, and J.R. Celski.

The Speaker (Representative Morris presiding) stated the question before the House to be adoption of House Resolution No. 4694.

HOUSE RESOLUTION NO. 4694 was adopted.

HOUSE RESOLUTION NO. 4692, by Representatives Wallace and Sells

WHEREAS, Ann Daley has a long and distinguished career of public service at the federal level for eight years and in Washington State for thirty-one years; and

WHEREAS, Ann Daley has served on the staff of United States Senator Alan Cranston, and in the administration of four governors of the State of Washington, including the Honorable Booth Gardner, the Honorable Mike Lowry, the Honorable Gary Locke, and the Honorable Christine O. Gregoire; and

WHEREAS, Ann Daley has served as staff to both the House of Representatives and the Senate of the State of Washington, including staff to Speaker Joe King; and

WHEREAS, Ann Daley served as assistant treasurer for Washington State; and

WHEREAS, Ann Daley was appointed to the board of regents at the University of Washington in 1995; and

WHEREAS, Ann Daley has served on numerous other boards and commissions, including both the pollution control and the shoreline hearings boards; and

WHEREAS, Ann Daley served as vice president for business and finance at The Evergreen State College; and

WHEREAS, Ann Daley has been a strong advocate for education at all levels as fundamentally important to a civil society; and

WHEREAS, Ann Daley was lead staff for Governor Gregoire's Washington Learns; and

WHEREAS, Ann Daley served as the executive director of the higher education coordinating board twice, and produced two fundamentally important strategic master plans for higher education; and

WHEREAS, Ann Daley is regarded as among the best in Washington at bringing diverse interest groups to consensus around sound public policy; and

WHEREAS, Ann Daley has always served the public with the utmost integrity, and has earned a reputation as being an intelligent, fair-minded, and even-handed leader; and

WHEREAS, Ann Daley will leave public service at the end of March 2010 to devote full time in her role as Gram Gram to Alyssa, Koby, and James;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commend Ann Daley for nearly forty years of dedicated service to the people of Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Ann Daley.

The Speaker (Representative Morris presiding) stated the question before the House to be adoption of House Resolution No. 4692.

HOUSE RESOLUTION NO. 4692 was adopted.

MESSAGE FROM THE SENATE

March 3, 2010

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1541
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1560
 SECOND SUBSTITUTE HOUSE BILL NO. 1591
 HOUSE BILL NO. 2419
 SUBSTITUTE HOUSE BILL NO. 2649
 HOUSE BILL NO. 2740
 ENGROSSED HOUSE BILL NO. 2830
 ENGROSSED HOUSE BILL NO. 2831
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2913
 SUBSTITUTE HOUSE BILL NO. 2962

and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

SECOND READING

HOUSE BILL NO. 2488, by Representatives Moeller, Morrell and Hasegawa

Concerning vehicle and vessel quick title.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2488 was substituted for House Bill No. 2488 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2488 was read the second time.

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

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

Representative Roach spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2488.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2488, and the bill passed the House by the following vote: Yeas, 65; Nays, 33; Absent, 0; Excused, 0.

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

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

SUBSTITUTE HOUSE BILL NO. 2488, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6359, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Becker, Shin and Tom)

Promoting efficiencies including institutional coordination and partnerships in the community and technical college system.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education Appropriations was adopted. (For Committee amendment, see Journal, Day 46, February 25, 2010).

With the consent of the House, amendment (1360) was withdrawn.

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

Representatives Carlyle, Anderson, Roach, Ross and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6359, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6359, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Representatives Liias and Miloscia.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6359, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6418, by Senators Marr and Brown**Regarding cities and towns annexed to fire protection districts.**

The bill was read the second time.

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

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

Representative Orcutt 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. 6418.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6418, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

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

Voting nay: Representatives Chandler, Herrera, Orcutt, Ormsby and Taylor.

SENATE BILL NO. 6418, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 3132, by Representative Van De Wege
Eliminating the Columbia River Gorge Compact.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 3132 was substituted for House Bill No. 3132 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3132 was read the second time.

Representative Van De Wege moved the adoption of amendment (1386).

Beginning on page 1, line 14, strike all of section 2 and insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 43.97 RCW to read as follows:

(1) The governor's office shall work with the state of Oregon to initiate dissolution of the Columbia River Gorge Compact. If the governor's office determines that the Columbia River Gorge Compact cannot be dissolved, the governor's office shall work to renegotiate with the state of Oregon terms of the Columbia River Gorge Compact that reflects accomplishments made since the first agreement in 1987 and reflects the approved Columbia River Gorge scenic area management plan as of June 2007.

(2) The governor may also pursue discussions with Klickitat, Skamania, and Clark counties on developing a source of funding to address the costs of local planning and permitting, and to identify local options for implementing the Columbia River Gorge Compact.

(3) The governor's office shall report to the legislature by December 31, 2010, on the status of dissolving or renegotiating the Columbia River Gorge Compact."

Correct the title.

Representatives Van De Wege and McCune spoke in favor of the adoption of the amendment.

Amendment (1386) 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 Van De Wege, McCune and Moeller spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3132.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3132, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, 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, Nealey, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Angel, Chandler, Hasegawa, Orcutt and Schmick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3132, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3182, by Representatives Alexander, DeBolt, Armstrong, Kristiansen, Pearson, Bailey, Rodne, Johnson, Short, Dammeier, Taylor, Crouse, Nealey, Walsh, Roach, Warnick, Klippert, Parker, Ross, Haler, Fagan, Orcutt, Schmick, Angel, Smith, Shea, Ericksen and Kretz

Making unfunded mandates optional on local governments. Revised for 1st Substitute: Making certain unfunded mandates optional for school districts and other political subdivisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3182 was substituted for House Bill No. 3182 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3182 was read the second time.

Representative Alexander moved the adoption of amendment (1404).

On page 13, after line 11, insert the following:

"Sec. 11. LOCAL GOVERNMENTS: REPORT TO DEPARTMENT OF COMMERCE ON BONDS. RCW 39.44.210 and 1995 c 399 s 54 are each amended to read as follows:

For each state or local government bond issued, the underwriter of the issue shall supply the department of (~~community, trade, and economic development~~) commerce with information on the bond issue within twenty days of its issuance. In cases where the issuer of the bond makes a direct or private sale to a purchaser without benefit of an underwriter, the issuer shall supply the required information. The bond issue information shall be provided on a form prescribed by the department of (~~community, trade, and economic development~~) commerce and shall include but is not limited to: (1) The par value of the bond issue; (2) the effective interest rates; (3) a schedule of maturities; (4) the purposes of the bond issue; (5) cost of issuance information; and (6) the type of bonds that are issued. A copy of the bond covenants shall be supplied with this information.

For each state or local government bond issued, the issuer's bond counsel promptly shall provide to the underwriter or to the department of (~~community, trade, and economic development~~) commerce

information on the amount of any fees charged for services rendered with regard to the bond issue.

Each local government that issues any type of bond (~~shall~~) may make a report annually to the department of (~~community, trade, and economic development~~) commerce that includes a summary of all the outstanding bonds of the local government as of the first day of January in that year. Such report (~~shall~~) may distinguish the outstanding bond issues on the basis of the type of bond, as defined in RCW 39.44.200, and (~~shall~~) may report the local government's outstanding indebtedness compared to any applicable limitations on indebtedness, including RCW 35.42.200, 39.30.010, and 39.36.020."

Re-number remaining sections consecutively and correct title and internal references accordingly.

On page 14, after line 30, insert the following:

"NEW SECTION. Sec. 13. MUNICIPALITIES: REPORTING ON ENERGY CONSERVATION MEASURES. RCW 43.19.691 and 2005 c 299 s 5 are each repealed."

Re-number remaining sections consecutively and correct title and internal references accordingly.

Representatives Alexander and Kenney spoke in favor of the adoption of the amendment.

Amendment (1404) was adopted.

Representative Alexander moved the adoption of amendment (1428).

On page 14, beginning on line 13, strike all of section 12 and insert the following:

"Sec. 12. RCW 84.40.175 and 1994 c 124 s 24 are each amended to read as follows:

COUNTIES: VALUATION OF TAX-EXEMPT PUBLIC PROPERTY. At the time of making the assessment of real property, the assessor shall enter each description of property exempt under the provisions of chapter 84.36 RCW, and (~~value and~~) list the same in the manner and subject to the same rule as the assessor is required to assess all other property, designating in each case to whom such property belongs. Except as otherwise provided in law, the assessor is not required to value property exempt under the provisions of RCW 84.36.010. However, with respect to publicly owned property exempt from taxation under provisions of RCW 84.36.010, the assessor shall value only such property as is leased to or occupied by a private person under an agreement allowing such person to occupy or use such property for a private purpose when a request for such valuation is received from the department of revenue or the lessee of such property for use in determining the taxable rent as provided for in chapter 82.29A RCW: **PROVIDED FURTHER,** That this section shall not prohibit any assessor from valuing any public property leased to or occupied by a private person for private purposes."

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

Amendment (1428) 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 Alexander and Linville spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3182.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3182, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chase and Hasegawa.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3182, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6557, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Ranker, Swecker, Rockefeller, Brandland, Brown, Kohl-Welles, Shin, Fraser and Kline)

Limiting the use of copper and other substances in vehicle brake pads. Revised for 1st Substitute: Limiting the use of certain substances in brake friction material.

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 46, February 25, 2010).

Representative Chase moved the adoption of amendment (1383) to the committee amendment:

On page 1, line 26 of the amendment, after "at" insert "or above"

On page 3, at the beginning of line 34 of the amendment, strike "analysis" and insert "analyses"

On page 5, line 30 of the amendment, after "demonstrate" strike "it is not feasible to comply with the requirements of this chapter, is necessary to comply" and insert "that complying with the requirements of this chapter is not feasible, does not allow compliance"

On page 6, line 27 of the amendment, after "from" strike "this chapter" and insert "public disclosure"

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

Amendment (1383) to the committee amendment was adopted.

Representative Shea moved the adoption of amendment (1447) to the committee amendment.

On page 3, line 27, after "contract" insert "or that meets the same specifications but is not part of an original equipment service contract"

On page 3, line 30, after "contract" insert "or that meets the same specifications but is not part of an original equipment service contract"

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

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

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1447) to the committee amendment to Substitute Senate Bill No. 6557.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1447) to the committee amendment to Substitute Senate Bill No. 6557 and the amendment was not adopted by the following vote: Yeas, 39; Nays, 58; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Conway, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Warnick and Williams.

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

Amendment (1447) to the committee amendment was not adopted.

The committee amendment by the Committee on General Government Appropriations was adopted as amended.

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 Chase spoke in favor of the passage of the bill.

COLLOQUY

Representative Shea: "Section 6 of Substitute Senate Bill No. 6557 relates to the process that a motor vehicle manufacturer or brake friction material manufacturer can apply for an exemption from the provisions of this legislation. This exemption may be particularly important for small volume motor vehicle manufacturers, who are defined in the bill as those manufacturers that do not sell more than 1,000 vehicles into the state. Upon qualifying for the exemption, is it the Legislature's intent that the department automatically renew the exemption for small volume

vehicle manufacturers if the low copper brake pad specified in this bill is not available due to safety, feasibility, or financial hardship concerns, and that the manufacturer does not sell more than 1,000 vehicles into the state?"

Representative Chase: "Yes, it is the Legislature's intent that the department administers the exemption as follows: if the small volume vehicle manufacturer demonstrates that they cannot comply with the restrictions in this legislation due to safety concerns, feasibility or financial hardship, that the department will automatically renew the exemption for manufacturers that do not sell more than 1,000 vehicles in the state."

Representative Shea spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6557, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6557, as amended by the House, and the bill passed the House by the following vote: Yeas, 86; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, 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, Nealey, Orcutt, Pearson, Shea, Short and Taylor.

SUBSTITUTE SENATE BILL NO. 6557, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute Senate Bill No. 6557.

Jim McCune, 2nd District

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6724, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kilmer, Kauffman, Eide, Berkey, Murray, Shin and Keiser)

Allowing employees of a school district or educational service district to share leave with employees in another agency. Revised for 1st Substitute: Allowing employees of a school district or educational service district to share leave with employees in another agency. (REVISED FOR ENGROSSED: Addressing the shared leave program.)

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means, was adopted. (For Committee amendment, see Journal, Day 49, February 28, 2010).

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 Armstrong and Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6724, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6724, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6724, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8025, by Senators Prentice, Haugen, Fraser, Shin and Roach

Requesting that a retired space shuttle orbiter be transferred to Washington's museum of flight.

The joint memorial was read the second time.

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

Representatives Hasegawa, Orcutt and Linville spoke in favor of the passage of the joint memorial.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8025.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8025, and the joint memorial passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Dunshee and Ormsby.

SENATE JOINT MEMORIAL NO. 8025, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6267, by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller and Honeyford)

Regarding water right processing improvements.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 46, February 25, 2010).

With the consent of the House, amendments (1280) and (1430) to the committee amendment were withdrawn.

Representative Blake moved the adoption of amendment (1421) to the committee amendment:

On page 2, line 25 of the amendment, after "department" insert "under this section"

On page 2, line 26 of the amendment, after "application" insert "under this section"

On page 2, line 30 of the amendment, after "denial" insert "made"

On page 2, line 31 of the amendment, after "department" insert "under this section"

On page 4, line 6 of the amendment, after "of a" strike "contractor" and insert "consultant"

On page 4, line 16 of the amendment, after "subsection" strike "(2)" and insert "(3)"

On page 4, line 26 of the amendment, after "work" strike "performed by" and insert "that would otherwise be assigned to"

On page 4, line 37 of the amendment, after "documentation," insert "review for conflict of interest."

On page 5, beginning on line 35 of the amendment, after "processed" strike "in the future"

On page 5, line 36 of the amendment, after "regular processing," insert "priority processing."

On page 7, line 32 of the amendment, after "regular processing," insert "priority processing."

On page 8, line 12 of the amendment, before "electronic" insert "additional"

On page 9, line 23 of the amendment, after "shall" strike "make" and insert "take"

On page 10, line 7 of the amendment, after "applicant" insert "or returned for correction by the department. The department may return an initial proof of examination for correction within thirty days of the department's receipt of such initial proof from a certified water right examiner. Such proof must be returned to both the certified water right examiner and the applicant. Within thirty days of the department's receipt of such returned proof from the certified water right examiner, the department shall make its final decision under RCW 90.03.330, unless otherwise requested by the applicant"

On page 10, line 19 of the amendment, after "department" strike "deems" and insert "has already conducted a final proof of examination or finds"

On page 16, line 25 of the amendment, after "regular processing," insert "priority processing,"

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

"NEW SECTION. Sec. 13. A new section is added to chapter 90.03 RCW to read as follows:

Nothing in this act affects or diminishes the processing of water right applications under any other existing authority, including but not limited to existing authority for the priority processing of applications by the department."

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

Representatives Blake and Chandler spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1421) to the committee amendment was adopted.

Representative Dunshee moved the adoption of amendment (1450) to the committee amendment.

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

"NEW SECTION. Sec. 13. It is the intent of the legislature to recover the actual cost of processing applications for water right permits and to stop subsidizing the processing of water right permits out of general tax revenues. The legislature recognizes that the largest beneficiary of receiving a water permit is the person receiving the water permit.

It is further the intent of the legislature that the backlog of applications be eliminated within five years of the effective date of this section and that thereafter water right permit applications be processed to a conclusion within twelve months of an application being made to the department of ecology.

NEW SECTION. Sec. 14. A new section is added to chapter 90.03 RCW to read as follows:

The water rights processing and dam safety account is created in the state treasury. All receipts from the fees collected under RCW 90.03.470 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to support the processing of water right applications and change applications as provided in this chapter and chapters 90.38, 90.42, and 90.44 RCW and the safety inspection of hydraulic works and plans and specifications for such works.

Sec. 15. RCW 90.03.470 and 2005 c 412 s 2 are each amended to read as follows:

The fees specified in this section shall be collected by the department in advance of the requested action.

(1) ~~(For the examination of an application for a permit to appropriate water, a minimum fee of fifty dollars must be remitted with the application.~~

~~For an amount of water exceeding one half cubic foot per second, the examination fee shall be assessed at the rate of one dollar per one hundredth cubic foot per second. In no case will the examination fee~~

be less than fifty dollars or more than twenty five thousand dollars. No fee is required under this subsection (1) for an application filed by a party to a cost reimbursement agreement made under RCW 90.03.265.) For the examination of an application for a permit to appropriate water or for an application to change, transfer, or amend an existing water right, an examination fee equal to one hundred dollars for each one-hundredth of a cubic foot per second must be remitted with the application, but in no case may the examination fee be less than one thousand dollars or more than fifty thousand dollars.

(2) The following fees apply for the examination of an application to store water (, a fee of two dollars for each acre foot of storage proposed shall be charged, but a minimum fee of fifty dollars must be remitted with the application. In no case will the examination fee for a storage project be less than fifty dollars or more than twenty five thousand dollars. No fee is required under this subsection (2) for an application filed by a party to a cost reimbursement agreement made under RCW 90.03.265)) and for an application to change a storage right:

(a) For storage of less than one hundred acre feet of water, an examination fee of one thousand dollars must be remitted with the application.

(b) For storage of more than one hundred acre feet of water but less than or equal to one thousand acre feet of water, an examination fee of two thousand dollars must be remitted with the application.

(c) For storage of more than one thousand acre feet of water but less than or equal to ten thousand acre feet of water, an examination fee of seven thousand five hundred dollars must be remitted with the application.

(d) For storage of more than ten thousand acre feet of water, an examination fee of fifteen thousand dollars must be remitted with the application.

(3)(a) (For the examination of an application to transfer, change, or amend a water right certificate, permit, or claim as authorized by RCW 90.44.100, 90.44.105, or 90.03.380, a minimum fee of fifty dollars must be remitted with the application. For an application for change involving an amount of water exceeding one cubic foot per second, the total examination fee shall be assessed at the rate of fifty cents per one hundredth cubic foot per second. For an application for change of a storage water right, the total examination fee shall be assessed at the rate of one dollar for each acre foot of water involved in the change. The fee shall be based on the amount of water subject to change as proposed in the application, not on the total amount of water reflected in the water right certificate, permit, or claim. In no case will the examination fee charged for a change application be less than fifty dollars or more than twelve thousand five hundred dollars.

(b)) (i) The fee paid to the department for an application for change filed with a water conservancy board under chapter 90.80 RCW must be one-fifth of the amounts provided in subsections (1) and (2) of this section. A conservancy board may charge its own processing fees in accordance with RCW 90.80.060.

(ii) The fees in subsections (1) and (2) of this section do not apply to applicants that have entered into a cost-reimbursement agreement with the department under RCW 90.03.265.

(b) The examination fee for a temporary or seasonal change under RCW 90.03.390 is ((fifty)) two hundred dollars and must be remitted with the application.

(c) No fee is required under this subsection (3) for:

(i) An application to process a change relating to donation of a trust water right to the state; or

(ii) An application to process a change when the department otherwise acquires a trust water right for purposes of improving instream flows or for other public purposes(;

(iii) An application filed with a water conservancy board according to chapter 90.80 RCW or for the review of a water conservancy board's record of decision submitted to the department according to chapter 90.80 RCW; or

(iv) An application filed by a party to a cost reimbursement agreement made under RCW 90.03.265)).

(d) For a change, transfer, or amendment involving a single project operating under more than one water right, including related secondary diversion rights, or involving the consolidation of multiple water rights, only one examination fee and one certificate fee are required to be paid.

(4) ((The fifty dollar minimum fee payable with the application shall be a credit to the total amount whenever the examination fee totals more than fifty dollars under the schedule specified in subsections (1) through (3) of this section and in such case the further fee due shall be the total computed amount, less the amount previously paid. Within five working days from receipt of an application, the department shall notify the applicant by registered mail of any additional fees due under subsections (1) through (3) of this section-)) (a) The fee amounts specified in this section apply to applications received after the effective date of this section and to all applications that have not been acted on by the department by issuance of a report of examination as of the effective date of this section. For pending applications that were filed prior to the effective date of this section, any fees that were paid under a previous fee schedule must be credited to the amounts required by subsections (1), (2), and (3) of this section. When the department is prepared to take action on an application that was filed prior to the effective date of this section, the department shall notify the applicant that additional fees are due and give the applicant sixty days to remit the additional fees. If the applicant fails to remit the additional fees within the time provided, the department shall cancel the application and inform the applicant of the cancellation.

(b) If the department receives a water right, change, transfer, amendment, or storage application that does not include remittance of the fee amounts required by this section, the department shall return the application to the applicant with instructions on the proper fee amount to be remitted. An application does not establish a priority date until the proper fee is remitted.

(5) The ((fees specified in subsections (1) through (3) of this section do not apply to any filings)) fee for filing an emergency withdrawal authorization(s) or temporary drought-related water right change(s) authorized under RCW 43.83B.410 that ((are)) is received by the department while a drought condition order issued under RCW 43.83B.405 is in effect is one hundred dollars.

(6) For applying for each extension of time for beginning construction work under a permit to appropriate water, for completion of construction work, or for completing application of water to a beneficial use, a fee of two hundred fifty dollars is required. These fees also apply to similar extensions of time requested under a change or transfer authorization.

(7) For the inspection of any hydraulic works to ((insure)) ensure safety to life and property, a fee based on the actual cost of the inspection, including the expense incident thereto, is required ((except as follows: (a) For any hydraulic works less than ten years old, that the department examined and approved the construction plans and specifications as to its safety when required under RCW 90.03.350, there shall be no fee charged; or (b) for any hydraulic works more than ten years old, but less than twenty years old, that the department examined and approved the construction plans and specifications as to its safety when required under RCW 90.03.350, the fee charged shall not exceed the fee for a significant hazard dam)).

(8) For the examination of plans and specifications as to safety of controlling works for storage of ten acre feet or more of water, a minimum fee of ((ten)) five hundred dollars, or a fee equal to the actual cost, is required.

(9) For recording an assignment either of a permit to appropriate water or of an application for such a permit, a fee of ((fifty)) two hundred dollars is required.

(10) For preparing and issuing all water right certificates, a fee of ~~((fifty))~~ two hundred dollars is required.

(11) For filing and recording a formal protest against granting any application, a fee of fifty dollars is required. No fee is required to submit a comment, by mail or otherwise, regarding an application.

(12) For filing an application to amend a water right claim filed under chapter 90.14 RCW, a fee of ~~((fifty))~~ two hundred dollars is required.

(13) For the registration of a new permit exempt groundwater withdrawal as required by RCW 90.44.050, a fee of three hundred dollars must be remitted.

(14)(a) Each person who holds a water right permit application, a reservoir permit application, or a change, transfer, or amendment application that is pending at any time between the effective date of this section and June 30, 2011, must remit a one-time fee of two hundred dollars to the department to retain an application in good standing. The department shall provide written notice by certified mail to each holder of an application for the fees that are due under this section. The notice must require that the fees be paid within sixty days of the date of receipt, but in no case may payment be due later than June 30, 2011. For ease of administration, the department may distribute the issuance of the notices by geographic area. The surcharge paid under this subsection is a credit against the application fees required in this section.

(b) Applications not in good standing must be canceled. The department shall issue an order to any holder of an application who fails to pay the fee within the prescribed time. The order must state that the application is canceled unless payment is received within thirty days.

(c) The department shall advise an applicant and provide an opportunity for an applicant to withdraw their application without further payment of fees if the department determines that the application would not likely be approved. The department shall summarize the basis for its conclusion to the applicant. The department shall further advise that the applicant has the option of providing an amended application that could include storage or other resource management technique that might make it approvable under RCW 90.03.255 or 90.44.055. The department's advice is not subject to appeal. If the applicant decides to retain the application on file and pays the fee required in this subsection, the department shall maintain the application in good standing until it is able to render a final decision on the application. The final decision is subject to appeal to the pollution control hearings board as provided under chapter 43.21B RCW.

(15) An application or request for an action as provided for under this section is incomplete unless accompanied by the fee or the minimum fee. If no fee or an amount less than the minimum fee accompanies an application or other request for an action as provided under this section, the department shall return the application or request to the applicant with advice as to the fee that must be remitted with the application or request for it to be accepted for processing. If additional fees are due, the department shall provide timely notification by certified mail with return receipt requested to the applicant. No action may be taken by the department until the fee is paid in full. Failure to remit fees within sixty days of the department's notification is grounds for rejecting the application or request or canceling the permit. Cash shall not be accepted. Fees must be paid by check or money order and are nonrefundable.

~~((14))~~ (16) For purposes of calculating fees for groundwater filings, one cubic foot per second shall be regarded as equivalent to four hundred fifty gallons per minute.

~~((15))~~ Eighty percent of the fees collected by the department under this section shall be deposited in the state general fund. Twenty percent of the fees collected by the department under this section shall be deposited in the water rights tracking system account established in RCW 90.14.240.

~~—(16) Except for the fees relating to the inspection of hydraulic works and the examination of plans and specifications of controlling works provided for in subsections (7) and (8) of this section, nothing in this section is intended to grant authority to the department to amend the fees in this section by adoption of rules or otherwise.)~~ (17) The fees collected by the department under this section must be deposited in the water rights processing and dam safety account created in section 14 of this act.

(18)(a) The fees specified in this section are effective until the department adopts rules that modify them in accordance with section 18 of this act, except that the fees required in subsections (7) and (8) of this section may be modified at any time.

(b) When information has been previously obtained that directly relates to the processing of an application in subsections (1) and (2) of this section, the department must proportionately reduce the fees associated with that application as a result of the reduced workload of the department.

NEW SECTION. Sec. 16. A new section is added to chapter 90.03 RCW to read as follows:

Within existing appropriations, the department must provide grant funds to assist applicants in the payment of fees required in RCW 90.03.470. The department shall give priority in the distribution of grant money to applicants who designate on their application that the water will be used for agricultural purposes.

Sec. 17. RCW 90.44.050 and 2003 c 307 s 1 are each amended to read as follows:

(1) After June 6, 1945, no withdrawal of public groundwaters of the state shall be begun, nor shall any well or other works for such withdrawal be constructed, unless an application to appropriate such waters has been made to the department and a permit has been granted by it as herein provided: EXCEPT, HOWEVER, That any withdrawal of public groundwaters for stock-watering purposes, or for the watering of a lawn or of a noncommercial garden not exceeding one-half acre in area, or for single or group domestic uses in an amount not exceeding five thousand gallons a day, or as provided in RCW 90.44.052, or for an industrial purpose in an amount not exceeding five thousand gallons a day, is and shall be exempt from the provisions of this section, but, to the extent that it is regularly used beneficially, shall be entitled to a right equal to that established by a permit issued under the provisions of this chapter: PROVIDED, HOWEVER, That the department from time to time may require the person or agency making any such small withdrawal to furnish information as to the means for and the quantity of that withdrawal: PROVIDED, FURTHER, That at the option of the party making withdrawals of groundwaters of the state not exceeding five thousand gallons per day, applications under this section or declarations under RCW 90.44.090 may be filed and permits and certificates obtained in the same manner and under the same requirements as is in this chapter provided in the case of withdrawals in excess of five thousand gallons a day.

(2)(a) The owner of a permit exempt withdrawal established under this section, the beneficial use of which is commenced on or after the effective date of this section, must register the withdrawal with the department on a registration form provided by the department. The registration must include information regarding the ownership and intended purpose of the withdrawal, the amounts withdrawn or proposed to be withdrawn, and the location, size, depth, and other particulars regarding the well. The department shall make the registration form available on its internet site and shall accept the filing of registration forms electronically as well as by conventional mail or personal delivery.

(b) For each permit exempt withdrawal the beneficial use of which is commenced on or after the effective date of this section, the registration form must be accompanied by a fee of three hundred dollars. Upon receiving a completed registration form and fee, the department shall make a record of the registration form and shall

return a copy of the registration marked as having been received and registered.

(c) The well or wells being registered must be tagged in accordance with RCW 18.104.040(6). The department shall provide an identification tag for each well and shall instruct the owner to affix the tags to the wells used to withdraw water.

(d) Whenever the owner of a permit exempt withdrawal adds dwelling units or additional purposes for the use of the withdrawal or otherwise increases the amount of water to be withdrawn by more than twenty percent, a new registration form and fee of one hundred dollars must be filed.

(e) All fees collected under this section must be deposited into the water rights processing and dam safety account created in section 14 of this act.

(3) The department may issue either an order under RCW 43.27A.190 or a civil penalty under RCW 90.03.600, or both, to the owner of a new permit exempt withdrawal who fails to file the registration form and fee required in subsection (2) of this section. Before issuing an order or penalty, the department shall inform the owner in writing by registered mail with return receipt that the registration form and fee must be remitted within thirty days. An order issued under this subsection may require the owner to cease withdrawing and using water until the form and fee have been filed. If the owner continues to refuse to file the form and fee, the department may issue an order requiring that the subject well or wells be decommissioned.

(4) A permit exempt withdrawal, the beneficial use of which is commenced on or after the effective date of this section, that has not been registered shall not be recognized as a water right under a general adjudication of water rights held under chapter 90.03 RCW.

NEW SECTION. Sec. 18. A new section is added to chapter 90.03 RCW to read as follows:

To effectuate the purpose of fully recovering the direct administrative costs incurred by the state to process water right and storage applications under this chapter and RCW 90.44.050 and to inspect and approve hydraulic works under this chapter, the department may periodically adopt rules to adjust the fees established in RCW 90.03.470. Any subsequent fees adopted by rule supersede those provided in RCW 90.03.470. Before proposing to adopt any changes to the fees, the department shall consult with the policy committees of the legislature that review water resources legislation.

NEW SECTION. Sec. 19. A new section is added to chapter 90.03 RCW to read as follows:

(1) The department shall submit a report to the legislature prior to December 31, 2012, and biennially thereafter until December 31, 2020, on the status of the backlog of applications for water right permits, the effectiveness of processing water right permit applications to a conclusion within twelve months, and the appropriateness of the fee amounts.

(2) This section expires January 1, 2021.

NEW SECTION. Sec. 20. A new section is added to chapter 90.44 RCW to read as follows:

(1) The department may not require withdrawals of groundwater to be metered or measured for wells authorized under the provisions of RCW 90.44.050 constructed prior to the effective date of this section for single or group domestic uses that do not exceed withdrawing five thousand gallons a day.

(2) This section does not apply to wells the department has required to be metered or measured as of the effective date of this section."

Representatives Dunshee, Simpson, Van De Wege Dunshee (again), Morris, Morris (again) and Van De Wege (again) spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Taylor, Armstrong, McCoy, Chandler, Shea, Warnick, Ericksen, Haler, Taylor (again), Armstrong (again), Ericksen (again), Shea (again) and Klippert spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (1450) to the committee amendment to Engrossed Second Substitute Senate Bill No. 6267.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1450) to the committee amendment to Engrossed Second Substitute Senate Bill No. 6267 and the amendment was not adopted by the following vote: Yeas, 44; Nays, 54; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kirby, Liias, Maxwell, Miloscia, Moeller, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Sequist, Sells, Simpson, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Finn, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Kessler, Klippert, Kretz, Kristiansen, Linville, McCoy, McCune, Morrell, Nealey, O'Brien, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Shea, Short, Smith, Springer, Taylor, Wallace, Walsh, Warnick and Wood.

Amendment (1450) to the committee amendment was not adopted.

Representative Morris moved the adoption of amendment (1449) to the committee amendment.

On page 17, after line 10 of the amendment, insert the following:

"NEW SECTION. Sec. 16. A new section is added to chapter 90.03 RCW to read as follows:

The water rights processing and dam safety account is created in the state treasury. All receipts from the fees collected under RCW 90.03.470 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to support the processing of water right applications and change applications as provided in this chapter and chapters 90.38, 90.42, and 90.44 RCW and the safety inspection of hydraulic works and plans and specifications for such works.

Sec. 17. RCW 90.03.470 and 2005 c 412 s 2 are each amended to read as follows:

The fees specified in this section shall be collected by the department in advance of the requested action.

(1) ~~((For the examination of an application for a permit to appropriate water, a minimum fee of fifty dollars must be remitted with the application.~~

~~—For an amount of water exceeding one half cubic foot per second, the examination fee shall be assessed at the rate of one dollar per one hundredth cubic foot per second. In no case will the examination fee be less than fifty dollars or more than twenty five thousand dollars. No fee is required under this subsection (1) for an application filed by a party to a cost reimbursement agreement made under RCW 90.03.265.)~~ For the examination of an application for a permit to appropriate water or for an application to change, transfer, or amend

an existing water right, an examination fee equal to thirty-five dollars for each one-hundredth of a cubic foot per second must be remitted with the application, but in no case may the examination fee be less than one thousand dollars or more than thirty-five thousand dollars.

(2) The following fees apply for the examination of an application to store water (—a fee of two dollars for each acre foot of storage proposed shall be charged, but a minimum fee of fifty dollars must be remitted with the application. In no case will the examination fee for a storage project be less than fifty dollars or more than twenty-five thousand dollars. No fee is required under this subsection (2) for an application filed by a party to a cost reimbursement agreement made under RCW 90.03.265)) and for an application to change a storage right:

(a) For storage of less than one hundred acre feet of water, an examination fee of one thousand dollars must be remitted with the application.

(b) For storage of more than one hundred acre feet of water but less than or equal to one thousand acre feet of water, an examination fee of two thousand dollars must be remitted with the application.

(c) For storage of more than one thousand acre feet of water but less than or equal to ten thousand acre feet of water, an examination fee of seven thousand five hundred dollars must be remitted with the application.

(d) For storage of more than ten thousand acre feet of water, an examination fee of fifteen thousand dollars must be remitted with the application.

(3)(a) ((For the examination of an application to transfer, change, or amend a water right certificate, permit, or claim as authorized by RCW 90.44.100, 90.44.105, or 90.03.380, a minimum fee of fifty dollars must be remitted with the application. For an application for change involving an amount of water exceeding one cubic foot per second, the total examination fee shall be assessed at the rate of fifty cents per one hundredth cubic foot per second. For an application for change of a storage water right, the total examination fee shall be assessed at the rate of one dollar for each acre foot of water involved in the change. The fee shall be based on the amount of water subject to change as proposed in the application, not on the total amount of water reflected in the water right certificate, permit, or claim. In no case will the examination fee charged for a change application be less than fifty dollars or more than twelve thousand five hundred dollars.

—(b)) (i) The fee paid to the department for an application for change filed with a water conservancy board under chapter 90.80 RCW must be one-fifth of the amounts provided in subsections (1) and (2) of this section. A conservancy board may charge its own processing fees in accordance with RCW 90.80.060.

(ii) The fees in subsections (1) and (2) of this section do not apply to applicants that have entered into a cost-reimbursement agreement with the department under RCW 90.03.265.

(b) The examination fee for a temporary or seasonal change under RCW 90.03.390 is ((fifty)) two hundred dollars and must be remitted with the application.

(c) No fee is required under this subsection (3) for:

(i) An application to process a change relating to donation of a trust water right to the state; or

(ii) An application to process a change when the department otherwise acquires a trust water right for purposes of improving instream flows or for other public purposes(;

—(iii) An application filed with a water conservancy board according to chapter 90.80 RCW or for the review of a water conservancy board's record of decision submitted to the department according to chapter 90.80 RCW; or

—(iv) An application filed by a party to a cost reimbursement agreement made under RCW 90.03.265)).

(d) For a change, transfer, or amendment involving a single project operating under more than one water right, including related secondary diversion rights, or involving the consolidation of multiple

water rights, only one examination fee and one certificate fee are required to be paid.

(4) ((The fifty dollar minimum fee payable with the application shall be a credit to the total amount whenever the examination fee totals more than fifty dollars under the schedule specified in subsections (1) through (3) of this section and in such case the further fee due shall be the total computed amount, less the amount previously paid. Within five working days from receipt of an application, the department shall notify the applicant by registered mail of any additional fees due under subsections (1) through (3) of this section.)) (a) The fee amounts specified in this section apply to applications received after the effective date of this section and to all applications that have not been acted on by the department by issuance of a report of examination as of the effective date of this section. For pending applications that were filed prior to the effective date of this section, any fees that were paid under a previous fee schedule must be credited to the amounts required by subsections (1), (2), and (3) of this section. When the department is prepared to take action on an application that was filed prior to the effective date of this section, the department shall notify the applicant that additional fees are due and give the applicant sixty days to remit the additional fees. If the applicant fails to remit the additional fees within the time provided, the department shall cancel the application and inform the applicant of the cancellation.

(b) If the department receives a water right, change, transfer, amendment, or storage application that does not include remittance of the fee amounts required by this section, the department shall return the application to the applicant with instructions on the proper fee amount to be remitted. An application does not establish a priority date until the proper fee is remitted.

(5) The ((fees specified in subsections (1) through (3) of this section do not apply to any filings)) fee for filing an emergency withdrawal authorization((s)) or temporary drought-related water right change((s)) authorized under RCW 43.83B.410 that ((are)) is received by the department while a drought condition order issued under RCW 43.83B.405 is in effect is one hundred dollars.

(6) For applying for each extension of time for beginning construction work under a permit to appropriate water, for completion of construction work, or for completing application of water to a beneficial use, a fee of two hundred fifty dollars is required. These fees also apply to similar extensions of time requested under a change or transfer authorization.

(7) For the inspection of any hydraulic works to ((insure)) ensure safety to life and property, a fee based on the actual cost of the inspection, including the expense incident thereto, is required ((except as follows: (a) For any hydraulic works less than ten years old, that the department examined and approved the construction plans and specifications as to its safety when required under RCW 90.03.350, there shall be no fee charged; or (b) for any hydraulic works more than ten years old, but less than twenty years old, that the department examined and approved the construction plans and specifications as to its safety when required under RCW 90.03.350, the fee charged shall not exceed the fee for a significant hazard dam)).

(8) For the examination of plans and specifications as to safety of controlling works for storage of ten acre feet or more of water, a minimum fee of ((ten)) five hundred dollars, or a fee equal to the actual cost, is required.

(9) For recording an assignment either of a permit to appropriate water or of an application for such a permit, a fee of ((fifty)) two hundred dollars is required.

(10) For preparing and issuing all water right certificates, a fee of ((fifty)) two hundred dollars is required.

(11) For filing and recording a formal protest against granting any application, a fee of fifty dollars is required. No fee is required to submit a comment, by mail or otherwise, regarding an application.

(12) For filing an application to amend a water right claim filed under chapter 90.14 RCW, a fee of ~~((five))~~ two hundred dollars is required.

(13)(a) Each person who holds a water right permit application, a reservoir permit application, or a change, transfer, or amendment application that is pending at any time between the effective date of this section and June 30, 2011, must remit a one-time fee of two hundred dollars to the department to retain an application in good standing. The department shall provide written notice by certified mail to each holder of an application for the fees that are due under this section. The notice must require that the fees be paid within sixty days of the date of receipt, but in no case may payment be due later than June 30, 2011. For ease of administration, the department may distribute the issuance of the notices by geographic area. The surcharge paid under this subsection is a credit against the application fees required in this section.

(b) Applications not in good standing must be canceled. The department shall issue an order to any holder of an application who fails to pay the fee within the prescribed time. The order must state that the application is canceled unless payment is received within thirty days.

(c) The department shall advise an applicant and provide an opportunity for an applicant to withdraw their application without further payment of fees if the department determines that the application would not likely be approved. The department shall summarize the basis for its conclusion to the applicant. The department shall further advise that the applicant has the option of providing an amended application that could include storage or other resource management technique that might make it approvable under RCW 90.03.255 or 90.44.055. The department's advice is not subject to appeal. If the applicant decides to retain the application on file and pays the fee required in this subsection, the department shall maintain the application in good standing until it is able to render a final decision on the application. The final decision is subject to appeal to the pollution control hearings board as provided under chapter 43.21B RCW.

(14) An application or request for an action as provided for under this section is incomplete unless accompanied by the fee or the minimum fee. If no fee or an amount less than the minimum fee accompanies an application or other request for an action as provided under this section, the department shall return the application or request to the applicant with advice as to the fee that must be remitted with the application or request for it to be accepted for processing. If additional fees are due, the department shall provide timely notification by certified mail with return receipt requested to the applicant. No action may be taken by the department until the fee is paid in full. Failure to remit fees within sixty days of the department's notification is grounds for rejecting the application or request or canceling the permit. Cash shall not be accepted. Fees must be paid by check or money order and are nonrefundable.

~~((14))~~ (15) For purposes of calculating fees for groundwater filings, one cubic foot per second shall be regarded as equivalent to four hundred fifty gallons per minute.

~~((15) Eighty percent of the fees collected by the department under this section shall be deposited in the state general fund. Twenty percent of the fees collected by the department under this section shall be deposited in the water rights tracking system account established in RCW 90.14.240.~~

~~—(16) Except for the fees relating to the inspection of hydraulic works and the examination of plans and specifications of controlling works provided for in subsections (7) and (8) of this section, nothing in this section is intended to grant authority to the department to amend the fees in this section by adoption of rules or otherwise.)~~ (16) The fees collected by the department under this section must be deposited in the water rights processing and dam safety account created in section 16 of this act.

(17)(a) The fees specified in this section are effective until the department adopts rules that modify them in accordance with section 19 of this act, except that the fees required in subsections (7) and (8) of this section may be modified at any time.

(b) When information has been previously obtained that directly relates to the processing of an application in subsections (1) and (2) of this section, the department must proportionately reduce the fees associated with that application as a result of the reduced workload of the department.

NEW SECTION. Sec. 18. A new section is added to chapter 90.03 RCW to read as follows:

(1) The department must establish by rule a program for the distribution of hardship grant money to assist applicants in the payment of fees required in RCW 90.03.470.

(2) The department shall submit the list of hardship applicants that meet the qualifications established by the department in this section along with the applicant's requested grant amount to the office of financial management for consideration in the governor's budget request.

(3) The department shall also provide the list of hardship applicants that meet the qualifications established by the department in this section along with the applicant's requested grant amount to the legislature by October 1st of each year.

NEW SECTION. Sec. 19. A new section is added to chapter 90.03 RCW to read as follows:

The department may periodically adopt rules to adjust the fees established in RCW 90.03.470. Any subsequent fees adopted by rule supersede those provided in RCW 90.03.470. Before proposing to adopt any changes to the fees, the department shall consult with the policy committees of the legislature that review water resources legislation.

NEW SECTION. Sec. 20. A new section is added to chapter 90.03 RCW to read as follows:

(1) The department shall submit a report to the legislature prior to December 31, 2012, and biennially thereafter until December 31, 2020, on the status of the backlog of applications for water right permits, the effectiveness of processing water right permit applications to a conclusion within twelve months, and the appropriateness of the fee amounts.

(2) This section expires January 1, 2021.

NEW SECTION. Sec. 21. A new section is added to chapter 90.44 RCW to read as follows:

(1) The department may not require withdrawals of groundwater to be metered or measured for wells authorized under the provisions of RCW 90.44.050 constructed prior to the effective date of this section for single or group domestic uses that do not exceed withdrawing five thousand gallons a day.

(2) This section does not apply to wells the department has required to be metered or measured as of the effective date of this section."

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

Representatives Morris, Simpson, Blake, Rolfes and Hudgins spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Chandler, McCoy, Shea, Walsh, Armstrong, Hinkle, Armstrong (again), Haler, Johnson, Schmick, Orcutt, Taylor, Short, Anderson and Schmick (again) spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (1449)

to the committee amendment to Engrossed Second Substitute Senate Bill No. 6267.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1449) to the committee amendment to Engrossed Second Substitute Senate Bill No. 6267 and the amendment was adopted by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

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

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Flannigan, Haler, Hasegawa, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCoy, McCune, Morrell, Nealey, O'Brien, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Santos, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh, Warnick and Wood.

Amendment (1449) to the committee amendment was adopted.

The committee amendment by the Committee on Agriculture & Natural Resources was adopted as amended.

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

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

Representative Chandler spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6267, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6267, as amended by the House, and the bill passed the House by the following vote: Yeas, 51; Nays, 47; Absent, 0; Excused, 0.

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

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Flannigan, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCoy, McCune, Miloscia, Morrell, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6267, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 6416, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Roach, Hargrove and Stevens)

Concerning relatives in dependency proceedings.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on General Government Appropriations, was adopted. (For Committee amendment, see Journal, Day 46, February 25, 2010).

With the consent of the House, amendment (1376) was withdrawn.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6416, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6416, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6416, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6401, by Senator Brandland

Concerning an alternative process for selecting an electrical contractor or a mechanical contractor, or both, for general contractor/construction manager projects.

The bill was read the second time.

With the consent of the House, amendment (1454) was withdrawn.

Representative Haigh moved the adoption of amendment (1493).

On page 2, line 27, after "proposals." insert "Notice of the public solicitation of proposals must be provided to the office of minority and women's business enterprises."

On page 3, after line 11, insert "(e) The firm's plan for outreach to minority and women-owned businesses;"

Re-number the subsections consecutively and correct any internal references accordingly.

Representatives Haigh, Dammeier and Hasegawa spoke in favor of the adoption of the amendment.

Amendment (1493) 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 Haigh, Dammeier, Hasegawa and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6401, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6401, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 6401, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6293, by Senate Committee on Judiciary (originally sponsored by Senators Brandland and Carrell)

Changing provisions relating to rendering criminal assistance in the first degree.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Public Safety and Emergency Preparedness was not adopted.

With the consent of the House, amendments (1345), (1361) and (1331) were withdrawn.

Representative Hurst moved the adoption of amendment (1448).

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.76.060 and 1975 1st ex.s. c 260 s 9A.76.060 are each amended to read as follows:

As used in RCW 9A.76.070 and 9A.76.080, "juvenile relative" means a person:

(1) Who was under the age of eighteen at the time of the offense;

(2) Who is related as husband or wife, brother or sister, parent or grandparent, child or grandchild, stepchild or stepparent to the person to whom criminal assistance is rendered; and

~~((2))~~ (3) Who does not render criminal assistance to another person in one or more of the means defined in ~~((subsections (4), (5), or (6) of))~~ RCW 9A.76.050 (4), (5), or (6).

Sec. 2. RCW 9A.76.070 and 2003 c 53 s 83 are each amended to read as follows:

(1) A person is guilty of rendering criminal assistance in the first degree if he or she renders criminal assistance to a person who has committed or is being sought for murder in the first degree or any class A felony or equivalent juvenile offense.

(2)(a) Except as provided in (b) of this subsection, rendering criminal assistance in the first degree is a class C felony.

(b) Rendering criminal assistance in the first degree is a gross misdemeanor if it is established by a preponderance of the evidence that the actor is a juvenile relative as defined in RCW 9A.76.060.

Sec. 3. RCW 9A.76.080 and 2003 c 53 s 84 are each amended to read as follows:

(1) A person is guilty of rendering criminal assistance in the second degree if he or she renders criminal assistance to a person who has committed or is being sought for a class B or class C felony or an equivalent juvenile offense or to someone being sought for violation of parole, probation, or community supervision.

(2)(a) Except as provided in (b) of this subsection, rendering criminal assistance in the second degree is a gross misdemeanor.

(b) Rendering criminal assistance in the second degree is a misdemeanor if it is established by a preponderance of the evidence that the actor is a juvenile relative as defined in RCW 9A.76.060.

NEW SECTION. **Sec. 4.** This act may be known and cited as Randy's law."

Correct the title.

Representative Appleton moved the adoption of amendment (1481) to amendment (1448).

On page 2, after line 10 of the striking amendment, insert the following:

"**Sec. 5.** RCW 9.94A.515 and 2008 c 108 s 23 are each amended to read as follows:

TABLE 2

	CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)

	Malicious explosion 1 (RCW 70.74.280(1))	VIII	Arson 1 (RCW 9A.48.020)
	Murder 1 (RCW 9A.32.030)		Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
XIV	Murder 2 (RCW 9A.32.050)		Manslaughter 2 (RCW 9A.32.070)
	Trafficking 1 (RCW 9A.40.100(1))		Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
XIII	Malicious explosion 2 (RCW 70.74.280(2))		Promoting Prostitution 1 (RCW 9A.88.070)
	Malicious placement of an explosive 1 (RCW 70.74.270(1))		Theft of Ammonia (RCW 69.55.010)
XII	Assault 1 (RCW 9A.36.011)		Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
	Assault of a Child 1 (RCW 9A.36.120)	VII	Burglary 1 (RCW 9A.52.020)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))		Child Molestation 2 (RCW 9A.44.086)
	Rape 1 (RCW 9A.44.040)		Civil Disorder Training (RCW 9A.48.120)
	Rape of a Child 1 (RCW 9A.44.073)		Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
	Trafficking 2 (RCW 9A.40.100(2))		Drive-by Shooting (RCW 9A.36.045)
XI	Manslaughter 1 (RCW 9A.32.060)		Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
	Rape 2 (RCW 9A.44.050)		Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
	Rape of a Child 2 (RCW 9A.44.076)		Introducing Contraband 1 (RCW 9A.76.140)
X	Child Molestation 1 (RCW 9A.44.083)		Malicious placement of an explosive 3 (RCW 70.74.270(3))
	Criminal Mistreatment 1 (RCW 9A.42.020)		Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))		Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
	Kidnapping 1 (RCW 9A.40.020)		Unlawful Possession of a Firearm in the first degree (RCW 9A.41.040(1))
	Leading Organized Crime (RCW 9A.82.060(1)(a))		Use of a Machine Gun in Commission of a Felony (RCW 9A.41.225)
	Malicious explosion 3 (RCW 70.74.280(3))		Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
	Sexually Violent Predator Escape (RCW 9A.76.115)	VI	Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)		Bribery (RCW 9A.68.010)
	Assault of a Child 2 (RCW 9A.36.130)		Incest 1 (RCW 9A.64.020(1))
	Explosive devices prohibited (RCW 70.74.180)		Intimidating a Judge (RCW 9A.72.160)
	Hit and Run--Death (RCW 46.52.020(4)(a))		Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)		Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))		Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct (RCW 9.68A.070)
	Malicious placement of an explosive 2 (RCW 70.74.270(2))		Rape of a Child 3 (RCW 9A.44.079)
	Robbery 1 (RCW 9A.56.200)		
	Sexual Exploitation (RCW 9.68A.040)		
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)		

- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Driving While Under the Influence (RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- ~~((Rendering Criminal Assistance 1 (RCW 9A.76.070)))~~
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9A.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run--Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (*RCW 48.17.063(3))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Willful Failure to Return from Furlough (**RCW 72.66.060)
- III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)

Commercial Sexual Abuse of a Minor (RCW 9.68A.100)	Escape from Community Custody (RCW 72.09.310)
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)	Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130(11)(a))
Criminal Gang Intimidation (RCW 9A.46.120)	Health Care False Claims (RCW 48.80.030)
Custodial Assault (RCW 9A.36.100)	Identity Theft 2 (RCW 9.35.020(3))
Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))	Improperly Obtaining Financial Information (RCW 9.35.010)
Escape 2 (RCW 9A.76.120)	Malicious Mischief 1 (RCW 9A.48.070)
Extortion 2 (RCW 9A.56.130)	Organized Retail Theft 2 (RCW 9A.56.350(3))
Harassment (RCW 9A.46.020)	Possession of Stolen Property 1 (RCW 9A.56.150)
Intimidating a Public Servant (RCW 9A.76.180)	Possession of a Stolen Vehicle (RCW 9A.56.068)
Introducing Contraband 2 (RCW 9A.76.150)	Retail Theft with Extenuating Circumstances 2 (RCW 9A.56.360(3))
Malicious Injury to Railroad Property (RCW 81.60.070)	Theft 1 (RCW 9A.56.030)
Mortgage Fraud (RCW 19.144.080)	Theft of a Motor Vehicle (RCW 9A.56.065)
Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)	Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
Organized Retail Theft 1 (RCW 9A.56.350(2))	Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
Perjury 2 (RCW 9A.72.030)	Trafficking in Insurance Claims (RCW 48.30A.015)
Possession of Incendiary Device (RCW 9.40.120)	Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
Possession of Machine Gun or Short- Barreled Shotgun or Rifle (RCW 9.41.190)	Unlawful Practice of Law (RCW 2.48.180)
Promoting Prostitution 2 (RCW 9A.88.080)	Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
Retail Theft with Extenuating Circumstances 1 (RCW 9A.56.360(2))	Voyeurism (RCW 9A.44.115)
Securities Act violation (RCW 21.20.400)	
Tampering with a Witness (RCW 9A.72.120)	I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))	False Verification for Welfare (RCW 74.08.055)
Theft of Livestock 2 (RCW 9A.56.083)	Forgery (RCW 9A.60.020)
Theft with the Intent to Resell 1 (RCW 9A.56.340(2))	Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
Trafficking in Stolen Property 2 (RCW 9A.82.055)	Malicious Mischief 2 (RCW 9A.48.080)
Unlawful Imprisonment (RCW 9A.40.040)	Mineral Trespass (RCW 78.44.330)
Unlawful possession of firearm in the second degree (RCW 9.41.040(2))	Possession of Stolen Property 2 (RCW 9A.56.160)
Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)	Reckless Burning 1 (RCW 9A.48.040)
Willful Failure to Return from Work Release (**RCW 72.65.070)	Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
II Computer Trespass 1 (RCW 9A.52.110)	Theft 2 (RCW 9A.56.040)
Counterfeiting (RCW 9.16.035(3))	Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one

thousand five hundred dollars) (RCW 9A.56.096(5)(b))
 Transaction of insurance business beyond the scope of licensure (**RCW 48.17.063(4))
 Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
 Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
 Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
 Unlawful Possession of Payment Instruments (RCW 9A.56.320)
 Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
 Unlawful Production of Payment Instruments (RCW 9A.56.320)
 Unlawful Trafficking in Food Stamps (RCW 9.91.142)
 Unlawful Use of Food Stamps (RCW 9.91.144)
 Vehicle Prowl 1 (RCW 9A.52.095)"

Representative Appleton spoke in favor of the adoption of the amendment to the amendment.

Representatives Pearson and Hurst spoke against the adoption of the amendment to the amendment.

Amendment (1481) to amendment (1448) was not adopted.

Representatives Hurst and Pearson spoke in favor of the adoption of amendment (1448).

Amendment (1448) 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 Hurst and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6293, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6293, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer,

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

SUBSTITUTE SENATE BILL NO. 6293, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6350, by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Ranker, Hargrove, Jacobsen, Rockefeller, Swecker, Marr, Fraser, Murray and Kline)

Concerning marine waters management that includes marine spatial planning.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means, was adopted. (For Committee amendment, see Journal, Day 49, February 28, 2010).

With the consent of the House, amendments (1440), (1432) and (1439) were withdrawn.

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

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

Representative Chandler spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6350, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6350, as amended by the House, and the bill passed the House by the following vote: Yeas, 64; Nays, 34; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 6350, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6261, by Senators Marr, Schoesler, Berkey, Zarelli and Hobbs

Addressing utility services collections against rental property.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government & Housing, was before the House for purpose of amendment.. (For Committee amendment, see Journal, Day 44, February 23, 2010).

Representative Williams moved the adoption of amendment (1486) to the committee amendment.

On page 1, line 15 of the striking amendment, before "rental" insert "residential"

On page 1, line 18 of the striking amendment, before "tenant's" insert "residential"

On page 1, line 23 of the striking amendment, after "duplicates of" insert "residential"

On page 2, line 2 of the striking amendment, after "for the" insert "residential"

On page 2, beginning on line 15 of the striking amendment, strike all of subsection (5) and insert the following:

"(5)(a) If an occupied multiple residential rental unit receives utility service through a single utility account, if the utility account's billing address is not the same as the service address of a residential rental property, or if the city or town has been notified that a tenant resides at the service address, the city or town shall make a good faith and reasonable effort to provide written notice to the service address of pending disconnection of electric power and light or water service for nonpayment at least seven calendar days prior to disconnection. The purpose of this notice is to provide any affected tenant an opportunity to resolve the delinquency with his or her landlord or to arrange for continued service. If requested, a city or town shall provide electric power and light or water services to an affected tenant on the same terms and conditions as other residential utility customers, without requiring that he or she pay delinquent amounts for services billed directly to the property owner or a previous tenant except as otherwise allowed by law and only where the city or town offers the opportunity for the affected tenant to set up a reasonable payment plan for the delinquent amounts legally due. If a landlord fails to pay for electric power and light or water services, any tenant who requests that the services be placed in his or her name may deduct from the rent due all reasonable charges paid by the tenant to the city or town for such services. A landlord may not take or threaten to take reprisals or retaliatory action as defined in RCW 59.18.240 against a tenant who deducts from his or her rent payments made to a city or town as provided in this subsection.

(b) Nothing in this subsection (5) affects the validity of any lien authorized by RCW 35.21.290 or 35.67.200. Furthermore, a city or town that provides electric power and light or water services to a residential tenant in these circumstances shall retain the right to collect from the property owner, previous tenant, or both, any delinquent amounts due for service previously provided to the service address if the city or town has complied with the notification requirements of subsection (3) of this section when applicable."

Representatives Williams and Angel spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1486) to the committee amendment was adopted.

The committee amendment by the Committee on Local Government & Housing was adopted as amended.

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 Williams and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6261, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6261, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SENATE BILL NO. 6261, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6702, by Senate Committee on Ways & Means (originally sponsored by Senators Kline, McAuliffe, Gordon, McDermott, Fraser, Shin and Kohl-Welles)

Providing education programs for juveniles in adult jails.

The bill was read the second time.

Representative Dammeier moved the adoption of amendment (1437).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. INTENT. The legislature intends to provide for the operation of education programs for juvenile inmates incarcerated in adult jails.

The legislature finds that this chapter fully satisfies any constitutional duty to provide education programs for juvenile inmates in adult jails. The legislature further finds that biennial appropriations for education programs under this chapter amply provide for any constitutional duty to educate juvenile inmates in adult jails.

NEW SECTION. Sec. 2. EDUCATION PROGRAMS FOR JUVENILES IN ADULT JAILS. A program of education shall be made available for juvenile inmates by adult jail facilities and the several school districts of the state for persons under the age of

eighteen years who have been incarcerated in any adult jail facilities operated under the authority of chapter 70.48 RCW. Each school district within which there is located an adult jail facility shall, singly or in concert with another school district pursuant to RCW 28A.335.160 and 28A.225.250 or chapter 39.34 RCW, conduct a program of education, including related student activities for inmates in adult jail facilities. School districts are not precluded from contracting with educational service districts, community and technical colleges, four-year institutions of higher education, or other qualified entities to provide all or part of these education programs. The division of duties, authority, and liabilities of the adult jail facilities and the several school districts of the state respecting the educational programs shall be as provided for in this chapter with regard to programs for juveniles in adult jail facilities.

NEW SECTION. Sec. 3. "ADULT JAIL FACILITY"--DEFINED. As used in this chapter, "adult jail facility" means an adult jail operated under the authority of chapter 70.48 RCW.

NEW SECTION. Sec. 4. DUTIES, AUTHORITY, AND RESPONSIBILITIES OF EDUCATION PROVIDER. (1) Except as otherwise provided for by contract under section 7 of this act, the duties and authority of a school district, educational service district, institution of higher education, or private contractor to provide for education programs under this chapter include:

(a) Employing, supervising, and controlling administrators, teachers, specialized personnel, and other persons necessary to conduct education programs, subject to security clearance by the adult jail facilities;

(b) Purchasing, leasing, renting, or providing textbooks, maps, audiovisual equipment paper, writing instruments, physical education equipment, and other instructional equipment, materials, and supplies deemed necessary by the provider of the education programs;

(c) Conducting education programs for inmates under the age of eighteen in accordance with program standards established by the superintendent of public instruction;

(d) Expending funds for the direct and indirect costs of maintaining and operating the program of education that are appropriated by the legislature and allocated by the superintendent of public instruction for the exclusive purpose of maintaining and operating education programs for juvenile inmates incarcerated in adult jail facilities, in addition to funds from federal and private grants, and bequests, and gifts made for the purpose of maintaining and operating the program of education; and

(e) Providing educational services to juvenile inmates within five school days of receiving notification from an adult jail facility within the district's boundaries that an individual under the age of eighteen has been incarcerated.

(2) The school district, educational service district, institution of higher education, or private contractor shall develop the curricula, instruction methods, and educational objectives of the education programs, subject to applicable requirements of state and federal law. For inmates who are under the age of eighteen when they commence the program and who have not met high school graduation requirements, such courses of instruction and school-related student activities as are provided by the school district for students outside of adult jail facilities shall be provided by the school district for students in adult jail facilities, to the extent that it is practical and judged appropriate by the school district and the administrator of the adult jail facility.

NEW SECTION. Sec. 5. SCHOOL DISTRICTS--ADDITIONAL AUTHORITY AND LIMITATION. School districts providing an education program to juvenile inmates in an adult jail facility, may:

(1) Award appropriate diplomas or certificates to juvenile inmates who successfully complete graduation requirements;

(2) Allow students eighteen years of age who have participated in an education program under this chapter to continue in the program, under rules adopted by the superintendent of public instruction; and

(3) Spend only funds appropriated by the legislature and allocated by the superintendent of public instruction for the exclusive purpose of maintaining and operating education programs under this chapter, including direct and indirect costs of maintaining and operating the education programs, and funds from federal and private grants, bequests, and gifts made for that purpose. School districts may not expend excess tax levy proceeds authorized for school district purposes to pay costs incurred under this chapter.

NEW SECTION. Sec. 6. SUPPORT OF EDUCATION PROGRAMS. To support each education program under this chapter, the adult jail facility and each superintendent or chief administrator of an adult jail facility shall:

(1) Provide necessary access to existing instructional and exercise spaces for the education program that are safe and secure;

(2) Provide equipment deemed necessary by the adult jail facility to conduct the education program;

(3) Maintain a clean and appropriate classroom environment that is sufficient to meet the program requirements and consistent with security conditions;

(4) Provide appropriate supervision of juvenile inmates consistent with security conditions to safeguard agents of the education providers and juvenile inmates while engaged in educational and related activities conducted under this chapter;

(5) Provide such other support services and facilities deemed necessary by the adult jail facilities to conduct the education program;

(6) Provide the available medical and mental health records necessary to a determination by the school district of the educational needs of the juvenile inmate; and

(7) Notify the school district within which the adult jail facility resides within five school days that an eligible juvenile inmate has been incarcerated in the adult jail facility.

NEW SECTION. Sec. 7. CONTRACT BETWEEN SCHOOL DISTRICTS AND ADULT JAIL FACILITIES. Each education provider under this chapter and the adult jail facility shall negotiate and execute a written contract for each school year, or such longer period as may be agreed to, that delineates the manner in which their respective duties and authority will be cooperatively performed and exercised, and any disputes and grievances resolved through mediation, and if necessary, arbitration. Any such contract may provide for the performance of duties by an education provider in addition to those in this chapter, including duties imposed upon the adult jail facility and its agents under section 6 of this act, if supplemental funding is available to fully pay the direct and indirect costs of these additional duties.

NEW SECTION. Sec. 8. EDUCATION SITE CLOSURES OR REDUCTION IN SERVICES--NOTICE. (1) By September 30, 2010, districts must, in coordination with adult jail facilities residing within their boundaries, submit an instructional service plan to the office of the superintendent of public instruction. Service plans must meet requirements stipulated in the rules developed in accordance with section 9 of this act, provided that (a) the rules shall not govern requirements regarding security within the jail facility nor the physical facility of the adult jail, including but not limited to, the classroom space chosen for instruction, and (b) any excess costs to the jails associated with implementing rules shall be negotiated pursuant to the contractual agreements between the education provider and adult jail facility.

(2) Once districts have submitted a plan to the office of the superintendent of public instruction, districts are not required to resubmit their plans unless either districts or adult jail facilities initiate a significant change to their plans.

(3) An adult jail facility shall notify the office of the superintendent of public instruction as soon as practicable upon the

closure of any adult jail facility or upon the adoption of a policy that no juvenile shall be held in the adult jail facility.

NEW SECTION. Sec. 9. ALLOCATION OF MONEY--ACCOUNTABILITY REQUIREMENTS--RULES. The superintendent of public instruction shall:

(1) Allocate money appropriated by the legislature to administer and provide education programs under this chapter to school districts that have assumed the primary responsibility to administer and provide education programs under this chapter or to the educational service district operating the program under contract; and

(2) Adopt rules that apply to school districts and educational providers in accordance with chapter 34.05 RCW that establish reporting, program compliance, audit, and such other accountability requirements as are reasonably necessary to implement this chapter and related provisions of the omnibus appropriations act effectively. In adopting the rules pursuant to this subsection, the superintendent of public instruction shall collaborate with representatives from the Washington association of sheriffs and police chiefs and shall attempt to negotiate rules that deliver the educational program in the most cost-effective manner while, to the extent practicable, not imposing additional costs on local jail facilities.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representatives Dammeier and Maxwell spoke in favor of the adoption of the amendment.

Amendment (1437) 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 Maxwell, Dammeier and Quall spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6702, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6702, as amended by the House, and the bill passed the House by the following vote: Yeas, 72; Nays, 26; Absent, 0; Excused, 0.

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

Voting nay: Representatives Alexander, Anderson, Chandler, Condotta, Crouse, DeBolt, Ericksen, Haler, Herrera, Hinkle,

Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Rodne, Ross, Schmick, Shea, Short, Taylor and Warnick.

SECOND SUBSTITUTE SENATE BILL NO. 6702, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6329, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, King, Franklin, Hewitt, Keiser, Kline and Delvin)

Creating a beer and wine tasting endorsement to the grocery store liquor license.

The bill was read the second time.

With the consent of the House, amendment (1482) was withdrawn.

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

Representatives Wood, Condotta and Conway spoke in favor of the passage of the bill.

Representative Goodman spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6329.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6329, and the bill passed the House by the following vote: Yeas, 77; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, DeBolt, Dickerson, Driscoll, Dunshee, Ericks, Ericksen, Fagan, Finn, Flannigan, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nealey, Nelson, O'Brien, Parker, Pettigrew, Probst, Quall, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Crouse, Dammeier, Darneille, Eddy, Goodman, Hasegawa, Hudgins, Hunt, Klippert, Kristiansen, McCune, Morrell, Orcutt, Ormsby, Orwall, Pearson, Pedersen, Priest, Roach, Roberts and Van De Wege.

SUBSTITUTE SENATE BILL NO. 6329, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute Senate Bill No. 6329.

Mark Miloscia, 30th District

SECOND READING

SUBSTITUTE SENATE BILL NO. 6363, by Senate Committee on Transportation (originally sponsored by Senators Marr, King, Haugen, Brandland, Kauffman, Delvin, Eide, Shin and McAuliffe)

Concerning the enforcement of certain school or playground crosswalk violations.

The bill was read the second time.

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

Representatives Simpson, Armstrong, Pearson, Orcutt and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6363.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6363, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6363, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6219, by Senator Berkey

Funding sources for time certificate of deposit investments.

The bill was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6219.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6219, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 6219, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6218, by Senators Fraser and Brandland

Authorizing use of voter approved local excess tax levies to pay financing contracts under the local option capital asset lending program and clarifying which "other agencies" may participate in the program.

The bill was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6218.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6218, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 6218, having received the necessary constitutional majority, was declared passed.

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

REPORTS OF STANDING COMMITTEES

HB 3209

March 4, 2010
 Prime Sponsor, Representative Clibborn:
 Managing costs of the ferry system. Reported by
 Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Armstrong; Dickerson; Driscoll; Eddy; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Ericksen.

There being no objection, HOUSE BILL NO. 3209 listed on the day's committee reports under the fifth order of business was placed on the second reading calendar.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

- HOUSE BILL NO. 1080
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1560
- HOUSE BILL NO. 1541
- SECOND SUBSTITUTE HOUSE BILL NO. 1591
- ENGROSSED HOUSE BILL NO. 1653
- SECOND ENGROSSED HOUSE BILL NO. 1876
- SUBSTITUTE HOUSE BILL NO. 1913
- SUBSTITUTE HOUSE BILL NO. 2226
- SECOND SUBSTITUTE HOUSE BILL NO. 2396
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2399
- SUBSTITUTE HOUSE BILL NO. 2430
- HOUSE BILL NO. 2419
- HOUSE BILL NO. 2465
- SUBSTITUTE HOUSE BILL NO. 2487
- HOUSE BILL NO. 2490
- SUBSTITUTE HOUSE BILL NO. 2515
- HOUSE BILL NO. 2510
- HOUSE BILL NO. 2521
- SUBSTITUTE HOUSE BILL NO. 2555
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2560
- SUBSTITUTE HOUSE BILL NO. 2585
- HOUSE BILL NO. 2598
- HOUSE BILL NO. 2608
- SUBSTITUTE HOUSE BILL NO. 2649
- SUBSTITUTE HOUSE BILL NO. 2651
- SUBSTITUTE HOUSE BILL NO. 2661
- ENGROSSED HOUSE BILL NO. 2667
- SUBSTITUTE HOUSE BILL NO. 2704
- HOUSE BILL NO. 2740
- SUBSTITUTE HOUSE BILL NO. 2789
- SUBSTITUTE HOUSE BILL NO. 2828
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2842
- ENGROSSED HOUSE BILL NO. 2830
- ENGROSSED HOUSE BILL NO. 2831
- HOUSE BILL NO. 2858
- HOUSE BILL NO. 2861
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2913
- SUBSTITUTE HOUSE BILL NO. 2962

- HOUSE BILL NO. 2996
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 3032
- SUBSTITUTE HOUSE BILL NO. 3066
- SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4004
- SUBSTITUTE SENATE BILL NO. 5046
- ENGROSSED SENATE BILL NO. 5041
- ENGROSSED SENATE BILL NO. 5516
- SENATE BILL NO. 5582
- SECOND ENGROSSED SENATE BILL NO. 5617
- SUBSTITUTE SENATE BILL NO. 6197
- SUBSTITUTE SENATE BILL NO. 6211
- SUBSTITUTE SENATE BILL NO. 6213
- SUBSTITUTE SENATE BILL NO. 6239
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6241
- SENATE BILL NO. 6227
- SENATE BILL NO. 6229
- SUBSTITUTE SENATE BILL NO. 6251
- SUBSTITUTE SENATE BILL NO. 6271
- SUBSTITUTE SENATE BILL NO. 6273
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6286
- SENATE BILL NO. 6275
- SUBSTITUTE SENATE BILL NO. 6298
- SUBSTITUTE SENATE BILL NO. 6299
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6306
- ENGROSSED SENATE BILL NO. 6287
- SENATE BILL NO. 6288
- SENATE BILL NO. 6297
- SUBSTITUTE SENATE BILL NO. 6337
- SUBSTITUTE SENATE BILL NO. 6357
- SUBSTITUTE SENATE BILL NO. 6367
- SUBSTITUTE SENATE BILL NO. 6371
- SENATE BILL NO. 6365
- SUBSTITUTE SENATE BILL NO. 6395
- SUBSTITUTE SENATE BILL NO. 6398
- SUBSTITUTE SENATE BILL NO. 6414
- SENATE BILL NO. 6450
- SENATE BILL NO. 6467
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6499
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6522
- SUBSTITUTE SENATE BILL NO. 6524
- SUBSTITUTE SENATE BILL NO. 6544
- SUBSTITUTE SENATE BILL NO. 6556
- SENATE BILL NO. 6543
- SENATE BILL NO. 6546
- SUBSTITUTE SENATE BILL NO. 6584
- SUBSTITUTE SENATE BILL NO. 6591
- SUBSTITUTE SENATE BILL NO. 6634
- SENATE BILL NO. 6627
- SUBSTITUTE SENATE BILL NO. 6674
- SUBSTITUTE SENATE BILL NO. 6749
- SENATE BILL NO. 6745
- SUBSTITUTE SENATE BILL NO. 6831
- SENATE JOINT MEMORIAL NO. 8026

The Speaker called upon Representative Morris to preside.

MESSAGES FROM THE SENATE

March 4, 2010

Mr. Speaker:

The President has signed:

- SENATE BILL NO. 6209
- SENATE BILL NO. 6279
- SENATE BILL NO. 6330
- SUBSTITUTE SENATE BILL NO. 6341

SENATE BILL NO. 6453
 SENATE BILL NO. 6487
 SUBSTITUTE SENATE BILL NO. 6510
 SENATE BILL NO. 6555
 SUBSTITUTE SENATE BILL NO. 6558
 SUBSTITUTE SENATE BILL NO. 6577
 SUBSTITUTE SENATE BILL NO. 6816

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 4, 2010

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 2428
 SUBSTITUTE HOUSE BILL NO. 2429
 HOUSE BILL NO. 2592

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 4, 2010

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1418
 SUBSTITUTE HOUSE BILL NO. 1545
 HOUSE BILL NO. 1576
 SUBSTITUTE HOUSE BILL NO. 2422
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2496
 HOUSE BILL NO. 2575
 SUBSTITUTE HOUSE BILL NO. 2620
 SUBSTITUTE HOUSE BILL NO. 2678
 SUBSTITUTE HOUSE BILL NO. 2684
 SUBSTITUTE HOUSE BILL NO. 3145

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6508, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Fairley, Prentice, Pridemore, Kline, Rockefeller, Ranker, Tom, McDermott, Gordon and Keiser)

Changing the class of persons entitled to recoveries under a wrongful death action or survival action.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means, was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 50, March 1, 2010).

With the consent of the House, amendments (1468), (1473) and (1462) to the committee amendment were withdrawn.

Representative Ross moved the adoption of amendment (1471) to the committee amendment.

On page 1, at the beginning of line 3 of the striking amendment, insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that it is only fair and just that persons found liable for damages in actions as expanded under this act that are based on a parent's significant involvement in a child's life should be responsible only for their proportionate share of fault."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 2, after line 2 of the striking amendment, insert the following:

"(3) In an action under RCW 4.20.010 that is based on a parent's significant involvement in an adult child's life, the liability of each defendant against whom judgment is entered is several and not joint."

On page 2, after line 36 of the striking amendment, insert the following:

"(5) In an action under this section that is based on a parent's significant involvement in a child's life, the liability of each defendant against whom judgment is entered is several and not joint."

On page 4, line 8 of the striking amendment, after "death" insert "

(5) In an action under this section that is based on a parent's significant involvement in a child's life, the liability of each defendant against whom judgment is entered is several and not joint"

On page 5, after line 12 of the striking amendment, insert the following:

"(6) In an action under this section that is based on a parent's significant involvement in a child's life, the liability of defendant against whom judgment is entered is several and not joint."

Sec. 5. RCW 4.22.070 and 1993 c 496 s 1 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages except entities immune from liability to the claimant under Title 51 RCW. The sum of the percentages of the total fault attributed to at-fault entities shall equal one hundred percent. The entities whose fault shall be determined include the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities with any other individual defense against the claimant, and entities immune from liability to the claimant, but shall not include those entities immune from liability to the claimant under Title 51 RCW. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except in the following circumstances:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the ~~((claimants))~~ claimant's total damages, except as otherwise provided in RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representative Ross and Ross (again) spoke in favor of the adoption of the amendment to the committee amendment.

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

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1471) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of (1471) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 44; Nays, 54; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Clibborn, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hudgins, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, 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, Dunshee, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1471) to the committee amendment was not adopted.

Representative Rodne moved the adoption of amendment (1466) to the committee amendment.

On page 1, beginning on line 14 of the striking amendment, after "support" strike all material through "life" on line 16

Beginning on page 1, line 23 of the striking amendment, after "section" strike all material through "death" on page 2, line 6 and insert ", "financially dependent for support" means substantial dependence based on the receipt of services that have an economic or monetary value, or substantial dependence based on actual monetary payments or contributions"

On page 3, beginning on line 26 of the striking amendment, after "support" strike all material through "life" on line 27

Beginning on page 3, line 38 of the striking amendment, after "section" strike all material through "death" on page 4, line 8 and insert ", "financially dependent for support" means substantial dependence based on the receipt of services that have an economic or monetary value, or substantial dependence based on actual monetary payments or contributions"

On page 4, beginning on line 14 of the striking amendment, after "support" strike all material through "life" on line 15

On page 5, beginning on line 4 of the striking amendment, after "section" strike all material through "death" on line 12 and insert ", "financially dependent for support" means substantial dependence

based on the receipt of services that have an economic or monetary value, or substantial dependence based on actual monetary payments or contributions"

Representatives Rodne, Shea and Ross spoke in favor of the adoption of the amendment to the committee amendment.

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

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1466) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1466) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 56; Absent, 0; Excused, 0.

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

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

Amendment (1466) to the committee amendment was not adopted.

Representative Shea moved the adoption of amendment (1480) to the committee amendment.

On page 1, line 14 of the striking amendment, after "or" insert "the parents of an adult child under the age of twenty-six"

On page 3, line 26 of the striking amendment, after "or if" insert "the decedent is under the age of twenty-six and"

Representatives Shea and Rodne spoke in favor of the adoption of the amendment to the committee amendment.

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

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1480) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1480) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 56; Absent, 0; Excused, 0.

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

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, 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, Probst, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1480) to the committee amendment was not adopted.

Representative Shea moved the adoption of amendment (1469) to the committee amendment.

On page 1, line 22 of the striking amendment, after "just." insert "In an action under RCW 4.20.010 that is based on a parent's significant involvement in an adult child's life, economic damages include any student loan balance that the parent may be obligated to repay as a result of acting as a co-signor or guarantor on the decedent's student loans, except for student loan balances that, under the terms of the loan, are eligible for a complete discharge upon the death of the borrower."

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

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1469) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1469) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was adopted by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, 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.

Amendment (1469) to the committee amendment was adopted.

Representative Ross moved the adoption of amendment (1472) to the committee amendment.

On page 1, line 22 of the striking amendment, after "just" insert ", except that in an action against the state or a political subdivision of the state that is based on a parent's significant involvement in an adult child's life, the claimant may recover only economic damages and may not recover noneconomic damages"

On page 2, line 18 of the striking amendment, after "case" insert ", except that in an action against the state or a political subdivision of the state that is based on a parent's significant involvement in an adult child's life, the personal representative is not entitled to recover the decedent's noneconomic damages on behalf of the specified beneficiaries"

On page 3, line 37 of the striking amendment, after "case" insert ", except that in an action against the state or a political subdivision of the state that is based on a parent's significant involvement in the decedent's life, the personal representative is not entitled to recover the decedent's noneconomic damages on behalf of the specified beneficiaries"

Representatives Ross, Rodne, Ross (again), Orcutt, Ericksen and Rodne (again) spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Williams, Simpson, Williams (again) and Simpson (again) spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1472) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1472) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 56; Absent, 0; Excused, 0.

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

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Finn, Flannigan, 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, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1472) to the committee amendment was not adopted.

Representative Rodne moved the adoption of amendment (1470) to the committee amendment.

Beginning on page 1, line 28 of the striking amendment, after "(b)" strike all material through "death" on page 2, line 2 and insert "Significant involvement" means objective evidence of personal verbal, written, electronic, or in-person contact with an adult child on a frequent basis. The court shall consider any objective evidence of weekly, biweekly, or monthly personal verbal, written, or electronic contact, and annual in-person interactions on holidays, birthdays, and other events as evidence of such involvement"

On page 4, beginning on line 5 of the striking amendment, after "(b)" strike all material through "death" on line 8 and insert "Significant involvement" means objective evidence of personal verbal, written, electronic, or in-person contact with an adult child on a frequent basis. The court shall consider any objective evidence of weekly, biweekly, or monthly personal verbal, written, or electronic contact, and annual in-person interactions on holidays, birthdays, and other events as evidence of such involvement"

On page 5, beginning on line 9 of the striking amendment, after "(b)" strike all material through "death" on line 12 and insert "Significant involvement" means objective evidence of personal verbal, written, electronic, or in-person contact with a child on a frequent basis. The court shall consider any objective evidence of weekly, biweekly, or monthly personal verbal, written, or electronic contact, and annual in-person interactions on holidays, birthdays, and other events as evidence of such involvement"

Representatives Rodne, Smith and Rodne (again) spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Goodman, Simpson and Goodman (again) spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1470) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1470) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 57; Absent, 0; Excused, 0.

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

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, 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, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1470) to the committee amendment was not adopted.

Representative Rodne moved the adoption of amendment (1457) to the committee amendment.

On page 2, after line 2 of the striking amendment, insert the following:

"(3) In an action under RCW 4.20.010 against the state or a political subdivision of the state that is based on a parent's significant involvement in an adult child's life, the liability of the state or political subdivision is several and not joint for acts or omissions related to the provision of law enforcement or fire protection services."

On page 2, after line 36 of the striking amendment, insert the following:

"(5) In an action under this section against the state or a political subdivision of the state that is based on a parent's significant involvement in a child's life, the liability of the state or political subdivision is several and not joint for acts or omissions related to the provision of law enforcement or fire protection services."

On page 4, line 8 of the striking amendment, after "death" insert "

(5) In an action under this section against the state or a political subdivision of the state that is based on a parent's significant involvement in a child's life, the liability of the state or political subdivision is several and not joint for acts or omissions related to the provision of law enforcement or fire protection services"

On page 5, after line 12 of the striking amendment, insert the following:

"(6) In an action under this section against the state or a political subdivision of the state that is based on a parent's significant involvement in a child's life, the liability of the state or political subdivision is several and not joint for acts or omissions related to the provision of law enforcement or fire protection services."

Sec. 5. RCW 4.22.070 and 1993 c 496 s 1 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages except entities immune from liability to the claimant under Title 51 RCW. The sum of the percentages of the total fault attributed to at-fault entities shall equal one hundred percent. The entities whose fault shall be determined include the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities with any other individual defense against the claimant, and entities immune from liability to the claimant, but shall not include those entities immune from liability to the claimant under Title 51 RCW. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except in the following circumstances:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the ~~(claimants)~~ claimant's total damages, except as otherwise provided in RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Klippert, Rodne, Orcutt and Ross spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Williams and Simpson spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1457) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1457) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 56; Absent, 0; Excused, 0.

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

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, 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, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1457) to the committee amendment was not adopted.

Representative Rodne moved the adoption of amendment (1458) to the committee amendment.

On page 2, after line 2 of the striking amendment, insert the following:

"(3) In an action under RCW 4.20.010 against a nonprofit corporation as defined in RCW 24.03.005 that is based on a parent's significant involvement in an adult child's life, the liability of the nonprofit corporation is several and not joint."

On page 2, after line 36 of the striking amendment, insert the following:

"(5) In an action under this section against a nonprofit corporation as defined in RCW 24.03.005 that is based on a parent's significant involvement in a child's life, the liability of the nonprofit corporation is several and not joint."

On page 4, line 8 of the striking amendment, after "death" insert "

"(5) In an action under this section against a nonprofit corporation as defined in RCW 24.03.005 that is based on a parent's significant involvement in a child's life, the liability of the nonprofit corporation is several and not joint"

On page 5, after line 12 of the striking amendment, insert the following:

"(6) In an action under this section against a nonprofit corporation as defined in RCW 24.03.005 that is based on a parent's significant involvement in a child's life, the liability of the nonprofit corporation is several and not joint."

Sec. 5. RCW 4.22.070 and 1993 c 496 s 1 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages except entities immune from liability to the claimant under Title 51 RCW. The sum of the percentages of the total fault attributed to at-fault entities shall equal one hundred percent. The entities whose fault shall be determined include the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities with any other individual defense against the claimant, and entities immune from liability to the claimant, but shall not include those entities immune from liability to the claimant under Title 51 RCW. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except in the following circumstances:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the ~~((claimant's))~~ claimant's total damages, except as otherwise provided in RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking."

Renumber the remaining sections consecutively and correct internal references accordingly.

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

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

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1458) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1458) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 56; Absent, 0; Excused, 0.

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

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

Amendment (1458) to the committee amendment was not adopted.

Representative Ross moved the adoption of amendment (1459) to the committee amendment.

On page 2, after line 2 of the striking amendment, insert the following:

"(3) In an action under RCW 4.20.010 against an employer that is based on a parent's significant involvement in an adult child's life, the liability of the employer is several and not joint if the claim against the employer arises from the criminal acts or omissions of an employee who is under the supervision of the department of corrections or a local probation department."

On page 2, after line 36 of the striking amendment, insert the following:

"(5) In an action under this section against an employer that is based on a parent's significant involvement in a child's life, the liability of the employer is several and not joint if the claim against the employer arises from the criminal acts or omissions of an employee who is under the supervision of the department of corrections or a local probation department."

On page 4, line 8 of the striking amendment, after "death" insert "

(5) In an action under this section against an employer that is based on a parent's significant involvement in a child's life, the liability of the employer is several and not joint if the claim against the employer arises from the criminal acts or omissions of an employee who is under the supervision of the department of corrections or a local probation department"

On page 5, after line 12 of the striking amendment, insert the following:

"(6) In an action under this section against an employer that is based on a parent's significant involvement in a child's life, the liability of the employer is several and not joint if the claim against the employer arises from the criminal acts or omissions of an employee who is under the supervision of the department of corrections or a local probation department."

Sec. 5. RCW 4.22.070 and 1993 c 496 s 1 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages except entities immune from liability to the claimant under Title 51 RCW. The sum of the percentages of the total fault attributed to at-fault entities shall equal one hundred percent. The entities whose fault shall be determined include the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities with any other individual defense against the claimant, and entities immune from liability to the claimant, but shall not include those entities immune from liability to the claimant under Title 51 RCW. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except in the following circumstances:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the ((claimants)) claimant's total damages, except as otherwise provided in RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Ross, Ross (again) and Ericksen spoke in favor of the adoption of the amendment to the committee amendment.

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

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1459) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1459) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 57; Absent, 0; Excused, 0.

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

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, 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, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1459) to the committee amendment was not adopted.

Representative Ross moved the adoption of amendment (1460) to the committee amendment.

On page 2, after line 2 of the striking amendment, insert the following:

"(3) In an action under RCW 4.20.010 against a small business as defined in RCW 19.85.020 that is based on a parent's significant involvement in an adult child's life, the liability of the small business is several and not joint."

On page 2, after line 36 of the striking amendment, insert the following:

"(5) In an action under this section against a small business as defined in RCW 19.85.020 that is based on a parent's significant involvement in a child's life, the liability of the small business is several and not joint."

On page 4, line 8 of the striking amendment, after "death" insert "

"(5) In an action under this section against a small business as defined in RCW 19.85.020 that is based on a parent's significant involvement in a child's life, the liability of the small business is several and not joint"

On page 5, after line 12 of the striking amendment, insert the following:

"(6) In an action under this section against a small business as defined in RCW 19.85.020 that is based on a parent's significant involvement in a child's life, the liability of the small business is several and not joint."

Sec. 5. RCW 4.22.070 and 1993 c 496 s 1 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages except entities immune from liability to the claimant under Title 51 RCW. The sum of the percentages of the total fault attributed to at-fault entities shall equal one hundred percent. The entities whose fault shall be determined include the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities with any other individual defense against the claimant, and entities immune from liability to the claimant, but shall not include those entities immune

from liability to the claimant under Title 51 RCW. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except in the following circumstances:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the ~~((claimants))~~ claimant's total damages, except as otherwise provided in RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Ross, Rodne, Shea, Smith, Ericksen, Shea (again) and Orcutt spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Williams and Goodman spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1460) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1460) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 57; Absent, 0; Excused, 0.

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

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, 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, Probst, Quall,

Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1460) to the committee amendment was not adopted.

Representative Ross moved the adoption of amendment (1461) to the committee amendment.

On page 2, after line 2 of the striking amendment, insert the following:

"(3) In an action under RCW 4.20.010 that is based on a parent's significant involvement in an adult child's life, if a defendant establishes by a preponderance of the evidence that a violation of RCW 46.37.530(1)(c) contributed to the decedent's death, the liability of any defendants against whom judgment is entered is several and not joint."

On page 2, after line 36 of the striking amendment, insert the following:

"(5) In an action under this section that is based on a parent's significant involvement in a child's life, if a defendant establishes by a preponderance of the evidence that a violation of RCW 46.37.530(1)(c) contributed to the decedent's death, the liability of any defendants against whom judgment is entered is several and not joint."

On page 4, line 8 of the striking amendment, after "death" insert "

(5) In an action under this section that is based on a parent's significant involvement in a child's life, if a defendant establishes by a preponderance of the evidence that a violation of RCW 46.37.530(1)(c) contributed to the decedent's death, the liability of any defendants against whom judgment is entered is several and not joint"

On page 5, after line 12 of the striking amendment, insert the following:

"(6) In an action under this section that is based on a parent's significant involvement in a child's life, if a defendant establishes by a preponderance of the evidence that a violation of RCW 46.37.530(1)(c) contributed to the decedent's death, the liability of any defendants against whom judgment is entered is several and not joint."

Sec. 5. RCW 4.22.070 and 1993 c 496 s 1 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages except entities immune from liability to the claimant under Title 51 RCW. The sum of the percentages of the total fault attributed to at-fault entities shall equal one hundred percent. The entities whose fault shall be determined include the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities with any other individual defense against the claimant, and entities immune from liability to the claimant, but shall not include those entities immune from liability to the claimant under Title 51 RCW. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except in the following circumstances:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both

were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the ~~((claimants))~~ claimant's total damages, except as otherwise provided in RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Ross and Klippert spoke in favor of the adoption of the amendment to the committee amendment.

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

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment 1461) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1461) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 39; Nays, 59; Absent, 0; Excused, 0.

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

Voting nay: Representatives Angel, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jaks, 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, White, Williams, Wood and Mr. Speaker.

Amendment (1461) to the committee amendment was not adopted.

Representative Alexander moved the adoption of amendment (1464) to the committee amendment.

On page 2, after line 2 of the striking amendment, insert the following:

"(3) In an action under RCW 4.20.010 against the state or a political subdivision of the state that is based on a parent's significant involvement in an adult child's life, a claimant may not recover a judgment in excess of two hundred fifty thousand dollars for noneconomic damages as defined in RCW 4.56.250(1)(a)."

On page 2, after line 36 of the striking amendment, insert the following:

"(5) In an action under this section against the state or a political subdivision of the state that is based on a parent's significant involvement in an adult child's life, a claimant may not recover a judgment in excess of two hundred fifty thousand dollars for noneconomic damages as defined in RCW 4.56.250(1)(a)."

On page 4, line 8 of the striking amendment, after "death" insert "

(5) In an action under this section against the state or a political subdivision of the state that is based on a parent's significant involvement in an adult child's life, a claimant may not recover a judgment in excess of two hundred fifty thousand dollars for noneconomic damages as defined in RCW 4.56.250(1)(a)."

On page 5, after line 12 of the striking amendment, insert the following:

"(6) In an action under this section against the state or a political subdivision of the state that is based on a parent's significant involvement in an adult child's life, a claimant may not recover a judgment in excess of two hundred fifty thousand dollars for noneconomic damages as defined in RCW 4.56.250(1)(a)."

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

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

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1464) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1464) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 40; Nays, 58; Absent, 0; Excused, 0.

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

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

Amendment (1464) to the committee amendment was not adopted.

Representative Shea moved the adoption of amendment (1467) to the committee amendment.

On page 2, after line 2 of the striking amendment, insert the following:

"(3) In an action under RCW 4.20.010 that is based on a parent's significant involvement in an adult child's life, if a defendant establishes by a preponderance of the evidence that a violation of RCW 46.61.687 or 46.61.688 contributed to the decedent's death, the liability of any defendants against whom judgment is entered is several and not joint."

On page 2, after line 36 of the striking amendment, insert the following:

"(5) In an action under this section that is based on a parent's significant involvement in a child's life, if a defendant establishes by a preponderance of the evidence that a violation of RCW 46.61.687 or 46.61.688 contributed to the decedent's death, the liability of any defendants against whom judgment is entered is several and not joint."

On page 4, line 8 of the striking amendment, after "death" insert "

(5) In an action under this section that is based on a parent's significant involvement in a child's life, if a defendant establishes by a preponderance of the evidence that a violation of RCW 46.61.687 or 46.61.688 contributed to the decedent's death, the liability of any defendants against whom judgment is entered is several and not joint"

On page 5, after line 12 of the striking amendment, insert the following:

"(6) In an action under this section that is based on a parent's significant involvement in a child's life, if a defendant establishes by a preponderance of the evidence that a violation of RCW 46.61.687 or 46.61.688 contributed to the decedent's death, the liability of any defendants against whom judgment is entered is several and not joint."

Sec. 5. RCW 4.22.070 and 1993 c 496 s 1 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages except entities immune from liability to the claimant under Title 51 RCW. The sum of the percentages of the total fault attributed to at-fault entities shall equal one hundred percent. The entities whose fault shall be determined include the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities with any other individual defense against the claimant, and entities immune from liability to the claimant, but shall not include those entities immune from liability to the claimant under Title 51 RCW. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except in the following circumstances:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the ~~(claimant's)~~ claimant's total damages, except as otherwise provided in RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such

defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking.

Sec. 6. RCW 46.61.687 and 2007 c 510 s 4 are each amended to read as follows:

(1) Whenever a child who is less than sixteen years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, or is being transported in a neighborhood electric vehicle or medium-speed electric vehicle that is in operation, the driver of the vehicle shall keep the child properly restrained as follows:

(a) A child must be restrained in a child restraint system, if the passenger seating position equipped with a safety belt system allows sufficient space for installation, until the child is eight years old, unless the child is four feet nine inches or taller. The child restraint system must comply with standards of the United States department of transportation and must be secured in the vehicle in accordance with instructions of the vehicle manufacturer and the child restraint system manufacturer.

(b) A child who is eight years of age or older or four feet nine inches or taller shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body or an appropriately fitting child restraint system.

(c) The driver of a vehicle transporting a child who is under thirteen years old shall transport the child in the back seat positions in the vehicle where it is practical to do so.

(2) Enforcement of subsection (1) of this section is subject to a visual inspection by law enforcement to determine if the child restraint system in use is appropriate for the child's individual height, weight, and age. The visual inspection for usage of a child restraint system must ensure that the child restraint system is being used in accordance with the instruction of the vehicle and the child restraint system manufacturers. The driver of a vehicle transporting a child who is under thirteen years old shall transport the child in the back seat positions in the vehicle where it is practical to do so.

(3) A person violating subsection (1) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system or a child booster seat, as appropriate, within seven days to the jurisdiction issuing the notice and the person has not previously had a violation of this section dismissed, the jurisdiction shall dismiss the notice of traffic infraction.

(4) Except as provided in RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010, failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian((-)), and failure to use a child restraint system shall not be admissible as evidence of negligence in any civil action.

(5) This section does not apply to: (a) For hire vehicles, (b) vehicles designed to transport sixteen or less passengers, including the driver, operated by auto transportation companies, as defined in RCW 81.68.010, (c) vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals, and (d) school buses.

(6) As used in this section, "child restraint system" means a child passenger restraint system that meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213.

(7) The requirements of subsection (1) of this section do not apply in any seating position where there is only a lap belt available and the child weighs more than forty pounds.

(8)(a) Except as provided in (b) of this subsection, a person who has a current national certification as a child passenger safety technician and who in good faith provides inspection, adjustment, or educational services regarding child passenger restraint systems is not liable for civil damages resulting from any act or omission in providing the services, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

(b) The immunity provided in this subsection does not apply to a certified child passenger safety technician who is employed by a retailer of child passenger restraint systems and who, during his or her hours of employment and while being compensated, provides inspection, adjustment, or educational services regarding child passenger restraint systems.

Sec. 7. RCW 46.61.688 and 2009 c 275 s 8 are each amended to read as follows:

(1) For the purposes of this section, "motor vehicle" includes:

(a) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;

(b) "Medium-speed electric vehicle" meaning a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than thirty miles per hour but not more than thirty-five miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Sec. 571.500;

(c) "Motorcycle," meaning a three-wheeled motor vehicle that is designed (i) so that the driver rides on a seat in a partially or completely enclosed seating area that is equipped with safety belts and (ii) to be steered with a steering wheel;

(d) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;

(e) "Neighborhood electric vehicle," meaning a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour and conforms to federal regulations under 49 C.F.R. Sec. 571.500;

(f) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and

(g) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(2)(a) This section only applies to:

(i) Motor vehicles that meet the manual seat belt safety standards as set forth in 49 C.F.R. Sec. 571.208;

(ii) Motorcycles, when equipped with safety belts that meet the standards set forth in 49 C.F.R. Part 571; and

(iii) Neighborhood electric vehicles and medium-speed electric vehicles that meet the seat belt standards as set forth in 49 C.F.R. Sec. 571.500.

(b) This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required under 49 C.F.R. Part 571 are occupied.

(3) Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

(4) No person may operate a motor vehicle unless all child passengers under the age of sixteen years are either: (a) Wearing a safety belt assembly or (b) are securely fastened into an approved child restraint device.

(5) A person violating this section shall be issued a notice of traffic infraction under chapter 46.63 RCW. A finding that a person has committed a traffic infraction under this section shall be contained

in the driver's abstract but shall not be available to insurance companies or employers.

(6) Except as provided in RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010, failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(7) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(8) The state patrol may adopt rules exempting operators or occupants of farm vehicles, construction equipment, and vehicles that are required to make frequent stops from the requirement of wearing safety belts."

Re-number the remaining sections consecutively and correct internal references accordingly.

Representative Shea and Shea (again) spoke in favor of the adoption of the amendment to the committee amendment.

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

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1467) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1467) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 57; Absent, 0; Excused, 0.

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

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liiias, 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, White, Williams, Wood and Mr. Speaker.

Amendment (1467) to the committee amendment was not adopted.

Representative Ross moved the adoption of amendment (1474) to the committee amendment.

On page 2, after line 2 of the striking amendment, insert the following:

"(3) In an action under RCW 4.20.010 against the state or a political subdivision of the state that is based on a parent's significant involvement in an adult child's life, the liability of the state or political subdivision is several and not joint."

On page 2, after line 36 of the striking amendment, insert the following:

"(5) In an action under this section against the state or a political subdivision of the state that is based on a parent's significant involvement in a child's life, the liability of the state or political subdivision is several and not joint."

On page 4, line 8 of the striking amendment, after "death" insert "

"(5) In an action under this section against the state or a political subdivision of the state that is based on a parent's significant involvement in a child's life, the liability of the state or political subdivision is several and not joint"

On page 5, after line 12 of the striking amendment, insert the following:

"(6) In an action under this section against the state or a political subdivision of the state that is based on a parent's significant involvement in a child's life, the liability of the state or political subdivision is several and not joint."

Sec. 5. RCW 4.22.070 and 1993 c 496 s 1 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages except entities immune from liability to the claimant under Title 51 RCW. The sum of the percentages of the total fault attributed to at-fault entities shall equal one hundred percent. The entities whose fault shall be determined include the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities with any other individual defense against the claimant, and entities immune from liability to the claimant, but shall not include those entities immune from liability to the claimant under Title 51 RCW. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except in the following circumstances:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the ((claimants)) claimant's total damages, except as otherwise provided in RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking."

Re-number the remaining sections consecutively and correct internal references accordingly.

Representatives Ross, Shea, Ross (again) and Orcutt spoke in favor of the adoption of the amendment to the committee amendment.

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

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1474) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1474) to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 56; Absent, 0; Excused, 0.

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

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

Amendment (1474) to the committee amendment was not adopted.

Representative Shea moved the adoption of amendment (1490) to the committee amendment.

On page 2, line 2 of the striking amendment, after "death," insert "When determining if the parents have had significant involvement in the adult child's life, the court shall consider, but not be limited to, objective evidence of personal, verbal, written, or electronic contact with the adult child, and in-person interaction with the adult child during holidays, birthdays, and other events."

On page 4, line 8 of the striking amendment, after "death" insert ". When determining if the parents have had significant involvement in the child's life, the court shall consider, but not be limited to, objective evidence of personal, verbal, written, or electronic contact with the child, and in-person interaction with the child during holidays, birthdays, and other events"

On page 5, line 12 of the striking amendment, after "death," insert "When determining if the parents have had significant involvement in the child's life, the court shall consider, but not be limited to, objective evidence of personal, verbal, written, or electronic contact with the child, and in-person interaction with the child during holidays, birthdays, and other events."

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

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1490) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1490) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was adopted by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

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

Voting nay: Representatives Appleton, Flannigan, Liias and Pettigrew.

Amendment (1490) to the committee amendment was adopted.

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

Representative Priest moved the adoption of amendment (1483) to the committee amendment.

On page 5, after line 12 of the striking amendment, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 4.20 RCW to read as follows:

The definitions in this section apply throughout sections 6 through 11 of this act unless the context clearly requires otherwise.

(1) "Allegedly responsible party" means a person or entity alleged by the claimant to be responsible for damages in an action under RCW 4.20.010, 4.20.020, 4.20.046, or 4.20.060, that is based on a parent's significant involvement in a child's life.

(2) "Amount recovered" means the total compensation, including the reasonable value of nonmonetary compensation, that an attorney has obtained on behalf of a claimant through settlement, arbitration, or judgment, minus the reasonable costs and expenses incurred by the attorney in prosecuting or settling the claim.

(3) "Claimant" means any natural person who, in his or her own right, or vicariously, is seeking compensation in connection with a claim under RCW 4.20.010, 4.20.020, 4.20.046, or 4.20.060, that is based on a parent's significant involvement in a child's life.

(4) "Collateral source" means compensation or benefits paid or payable to the claimant or on the claimant's behalf, to compensate the claimant for the injury complained of, regardless of the right of recoupment of any other entity, through subrogation, trust agreement, lien, or otherwise.

(5) "Contingent fee" means compensation, however calculated, that is payable only if an amount is recovered.

(6) "Early settlement offer" means a settlement offer made in accordance with section 6 of this act.

(7) "Economic damages" has the meaning provided in RCW 4.56.250.

(8) "Entity" includes an individual or person.

(9) "Noneconomic damages" has the meaning provided in RCW 4.56.250.

NEW SECTION. Sec. 6. A new section is added to chapter 4.20 RCW to read as follows:

(1) In any civil action for damages brought under RCW 4.20.010, 4.20.020, 4.20.046, or 4.20.060, that is based on a parent's significant involvement in a child's life, an allegedly responsible party may make an early settlement offer at any time prior to one hundred twenty days after the claim is filed with a court. To qualify as an early settlement offer, the offer must include a good faith offer to compensate the claimant for the claimant's current and future economic damages suffered as a result of the allegedly responsible party's act or omission, less collateral source benefits available to the claimant, and for reasonable hourly attorneys' fees for the claimant. The early settlement offer must be in writing and communicated to the claimant by certified mail. The offer must remain open for acceptance for a minimum of thirty days from the date the offer is received by the claimant.

(2) An allegedly responsible party may amend or issue an additional early settlement offer prior to one hundred twenty days after the action is commenced. The claimant may extend the time for receiving the offer beyond this period.

(3) An attorney who receives an early settlement offer shall provide a true and complete copy of the offer to his or her client.

(4) A claimant who agrees in writing to an early settlement offer may not bring or continue a civil action, based on the same alleged negligence, against the allegedly responsible party who made the early settlement offer or any other allegedly responsible parties who joined in the early settlement offer under subsection (5) of this section.

(5) An offer under subsection (1) of this section may include other allegedly responsible parties who were involved in the events that gave rise to the civil action, regardless of the theory of liability on which the claim is based, with their consent. If, after an early settlement offer is made and accepted, the participants in the offer dispute their relative contributions to the payments to be made to the claimant, such disputes shall be resolved through binding arbitration in accordance with chapter 7.04 RCW.

(6) The claimant may reject an offer of compensation made under subsection (1) of this section and elect to bring or maintain a civil action for damages. Upon rejection of an offer of compensation that complies with the requirements of subsection (1) of this section, the claimant may recover damages in the civil action only if the claimant proves by clear and convincing evidence that the allegedly responsible party caused the injury by reckless, willful, or wanton conduct.

NEW SECTION. Sec. 7. A new section is added to chapter 4.20 RCW to read as follows:

(1) An attorney who represents a person in an action under RCW 4.20.010, 4.20.020, 4.20.046, or 4.20.060, that is based on a parent's significant involvement in a child's life, and who represents the person on a contingent-fee basis, shall send a demand for compensation by certified mail to each allegedly responsible party prior to commencing a court action. In the event that multiple allegedly responsible parties are known to the attorney, a demand must be sent on the same date to each party. The demand must specify the amount of compensation sought and must set forth the material facts, documentary evidence, and other information relevant to the demand, including:

(a) The name and address of the claimant or of the person on whose behalf the claim is being made;

(b) A brief description of how the injury or loss occurred;

(c) The names and, if known, the addresses and telephone numbers of all known witnesses to the injury or loss;

(d) Copies of photographs in the claimant's possession which relate to the injury or loss;

(e) The basis for claiming that the party to whom the demand is addressed is responsible or partially responsible for the injury or loss;

(f) A description of the nature of the injury or loss, including the dates and nature of the care or services provided, and the names and addresses of all physicians and other health care providers that provided medical care or services to the claimant or injured party;

(g) Medical records relating to the injury, including those involving a prior injury or preexisting medical condition which would be discoverable by the allegedly responsible party during the course of litigation or, in lieu thereof, executed releases authorizing the allegedly responsible party to obtain the records directly from those health care providers who provided treatment to the claimant; and

(h) Documentation of any medical expenses, lost wages, personal losses, and other economic and noneconomic damages suffered as a consequence of the injury or loss.

(2) The attorney shall mail copies of each demand to the claimant and to each allegedly responsible party.

(3) A claimant's attorney who learns of an additional allegedly responsible party after making a demand for compensation under subsection (1) of this section shall send a demand for compensation to the newly discovered allegedly responsible party and simultaneously mail a copy of the demand to each of the other allegedly responsible parties and to the claimant.

(4) In the event that a claimant's attorney learns of an additional allegedly responsible party more than ninety days after making a demand for compensation under subsection (1) of this section, the attorney shall not be required to send a demand to that party nor do the fee limitations imposed under section 510 (1) and (2) of this act apply with regard to an amount recovered from that party, except as provided by this subsection. An attorney who fails as a result of a breach of the standard of care to learn of an additional allegedly responsible party within ninety days of sending a demand for compensation to another allegedly responsible party shall not collect a fee in excess of that allowed under section 9 of this act with respect to an amount recovered from the additional allegedly responsible party.

NEW SECTION. Sec. 8. A new section is added to chapter 4.20 RCW to read as follows:

An allegedly responsible party is under no obligation to issue a response to a demand for compensation made under section 7 of this act. The fact that a demand for compensation was or was not made, the fact that an early settlement offer was or was not made, and the amount of any demand or settlement offer made are inadmissible at a trial arising from the injury or loss.

NEW SECTION. Sec. 9. A new section is added to chapter 4.20 RCW to read as follows:

(1) An attorney who represents a claimant who has accepted an early settlement offer under section 6 of this act shall not collect an amount as compensation for the attorney's services that is more than the attorney's reasonable hourly fees for the services performed.

(2) An attorney who represents a claimant who has rejected or failed to accept an early settlement offer shall not collect a contingent fee that is greater than twenty percent of the amount of the early settlement offer plus the percentage of the amount recovered in excess of the early settlement offer as was agreed to by the claimant and the attorney.

(3) A claimant's attorney who has failed to make a demand for compensation under section 7 of this act, or who has omitted from the demand any information required under section 7 of this act of a material nature which the attorney had in his or her possession, or which was readily available to him or her, or of which the attorney had knowledge, shall not collect a contingent fee greater than twenty percent of the amount recovered.

(4) A claimant's attorney who has failed to provide his or her client a true and complete copy of an early settlement offer received by the attorney, as required under section 6 of this act, shall not collect a contingent fee greater than twenty percent of the amount recovered.

(5) An attorney shall disclose, plainly and in writing, to claimants whom the attorney proposes to represent on a contingent-fee basis: (a) The fee limitations imposed by this section; and (b) the fact that such limitations are maximum limits and that the attorney and claimant may negotiate a lower fee.

The attorney shall also provide to each claimant a copy of sections 5 through 11 of this act.

(6) The fee limitations imposed by this section may not be waived.

(7) This section applies to all attorneys practicing in this state, including attorneys prosecuting claims filed in federal court, to the maximum extent permitted by federal law.

NEW SECTION. Sec. 10. A new section is added to chapter 4.20 RCW to read as follows:

A fiduciary relationship applies with respect to a fee agreement between an attorney and a claimant in an action under RCW 4.20.010, 4.20.020, 4.20.046, or 4.20.060, that is based on a parent's significant involvement in a child's life.

NEW SECTION. Sec. 11. A new section is added to chapter 4.20 RCW to read as follows:

(1) The court shall, in any action under RCW 4.20.010, 4.20.020, 4.20.046, or 4.20.060, that is based on a parent's significant involvement in a child's life, determine the reasonableness of each party's attorneys fees. The court shall take into consideration the following:

(a) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;

(b) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;

(c) The fee customarily charged in the locality for similar legal services;

(d) The amount involved and the results obtained;

(e) The time limitations imposed by the client or by the circumstances;

(f) The nature and length of the professional relationship with the client;

(g) The experience, reputation, and ability of the lawyer or lawyers performing the services;

(h) Whether the fee is fixed or contingent.

(2) An attorney's contingency fee is limited to the maximum permissible fee allowed under section 9 of this act."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Priest, Priest (again), Ross and Rodne spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Williams and Simpson spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1483) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1483) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 40; Nays, 58; Absent, 0; Excused, 0.

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

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, 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, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Uptegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1483) to the committee amendment was not adopted.

Representative Ericks moved the adoption of amendment (1496) to the committee amendment.

On page 14 of the striking amendment, beginning on line 21, strike all of section 10

Renumber remaining sections consecutively and correct title and internal references accordingly.

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

Representatives Rodne, Ross and Priest spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1496) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1496) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was adopted by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

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

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Lias,

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

Amendment (1496) to the committee amendment was adopted.

Representative Rodne moved the adoption of amendment (1465) to the committee amendment.

On page 14, at the beginning of line 26 of the striking amendment, strike all material through "2011" and insert "that are based on deaths occurring on or after the effective date of this act"

Representatives Rodne and Pederson spoke in favor of the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1465) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1465) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was adopted by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, 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, Nealey, 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.

Amendment (1465) to the committee amendment was adopted.

Representative Priest moved the adoption of amendment (1456) to the committee amendment.

On page 15, after line 4 of the striking amendment, insert the following:

"**NEW SECTION. Sec. 13.** A new section is added to 2009 c 564 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-- LIABILITY ACCOUNT

General Fund--State Appropriation (FY 2010)	\$2,280,000
General Fund--State Appropriation (FY 2011)	\$2,280,000
TOTAL APPROPRIATION	\$4,560,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the liability account under RCW 4.92.130 for indemnity and defense costs attributable to Second Engrossed Substitute Senate Bill No. 6508 (wrongful death). If the bill is not enacted by June 30, 2010, the amounts provided in this section shall lapse."

Re-number remaining sections consecutively and correct title and internal references accordingly.

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

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

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1456) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1456) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 38; Nays, 60; Absent, 0; Excused, 0.

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

Voting nay: Representatives Angel, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Kristiansen, Lias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nealey, 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.

Amendment (1456) to the committee amendment was not adopted.

Representative Priest moved the adoption of amendment (1463) to the committee amendment.

On page 15, after line 4 of the striking amendment, insert the following:

"**NEW SECTION. Sec. 13.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2010, in the omnibus appropriations act, this act is null and void."

Re-number the remaining section consecutively.

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

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

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1463) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1463) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 56; Absent, 0; Excused, 0.

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

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, 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, Probst, Quall, Roberts, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1463) to the committee amendment was not adopted.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of the committee amendment as amended.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 60 - YEAS; 38 - NAYS.

The committee amendment by the Committee on Ways & Means was adopted as amended.

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

Representatives Ormsby, Santos, Seaquist, Eddy, Kirby and Lias spoke in favor of the passage of the bill.

Representatives Rodne, Shea, Warnick, Hinkle, Dammeier, Nealey, Johnson and Ross spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Engrossed Substitute Senate Bill No. 6508, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 6508, as amended by the House, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, 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, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, O'Brien, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick and Wood.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6508, as amended by the House, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which SUBSTITUTE HOUSE BILL NO. 2488 passed the House.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2488, on reconsideration.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 2488, on reconsideration, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0.

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

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Green, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

SUBSTITUTE HOUSE BILL NO. 2488, on reconsideration, having received the necessary constitutional majority, was declared passed.

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

SUBSTITUTE SENATE BILL NO. 6706
SUBSTITUTE SENATE BILL NO. 6361
ENGROSSED SUBSTITUTE SENATE BILL NO. 6424

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

There being no objection, the House adjourned until 10:00 a.m., March 5, 2010, the 54th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

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