
TWENTY SIXTH DAY

House Chamber, Olympia, Friday, April 6, 2012

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brianna Short and Justus Rogers. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Orcutt, 18th District, Washington.

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

MESSAGE FROM THE SENATE

April 6, 2012

MR. SPEAKER:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2828 and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

SECOND READING**HOUSE BILL NO. 2824, by Representatives Eddy and Hunter**

Addressing comprehensive funding for education by developing a plan for full funding and by freeing certain existing revenues for support of the basic education 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 Eddy, Alexander and Hunter spoke in favor of the passage of the bill.

Representative Miloscia spoke against the passage of the bill.

MOTION

On motion of Representative Overstreet, Representatives Anderson, Hinkle and Rodne were excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2824.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2824, and the bill passed the House by the following vote: Yeas, 69; Nays, 26; Absent, 0; Excused, 3.

Voting yea: Representatives Ahern, Alexander, Appleton, Bailey, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Eddy, Fagan, Finn, Fitzgibbon, Haler, Hansen, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lytton, Maxwell, McCoy, Moeller, Morris, Nealey, Orcutt, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pollet, Reykdal, Roberts, Ross, Ryu, Santos, Schmick, Seaquist, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Angel, Armstrong, Asay, Billig, Blake, Dunshee, Goodman, Green, Haigh, Hargrove, Harris, Hasegawa, Hope, Hudgins, Kelley, Liias, McCune, Miloscia, Moscoso, Ormsby, Pearson, Probst, Rivers, Sells, Stanford and Zeiger.

Excused: Representatives Anderson, Hinkle and Rodne.

HOUSE BILL NO. 2824, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which HOUSE BILL NO. 2824 passed the House.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2824 on reconsideration.

Representative Seaquist was excused from the bar.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2824, and the bill passed the House by the following vote: Yeas, 68; Nays, 26; Absent, 0; Excused, 4.

Voting yea: Representatives Ahern, Alexander, Appleton, Bailey, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Eddy, Fagan, Finn, Fitzgibbon, Haler, Hansen, Hope, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lytton, Maxwell, McCoy, Moeller, Morris, Nealey, Orcutt, Orwall, Overstreet, Parker, Pedersen, Pettigrew, Pollet, Reykdal, Roberts, Ross, Santos, Schmick, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Angel, Armstrong, Asay, Billig, Blake, Dunshee, Goodman, Green, Haigh, Hargrove, Harris, Hasegawa, Hudgins, Kelley, Liias, McCune, Miloscia, Moscoso, Ormsby, Pearson, Probst, Rivers, Ryu, Sells, Stanford and Zeiger.

Excused: Representatives Anderson, Hinkle, Rodne and Seaquist.

HOUSE BILL NO. 2824, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2830, by Representative Hunter

Addressing language access providers.

The bill was read the second time.

Representative Alexander moved the adoption of amendment (1427).

On page 1, line 7, after "provide" insert "in-person"

On page 3, line 4, after "provides" insert "in-person"

On page 5, line 17, after "provide" insert "in-person"

On page 5, line 20, after "provide" insert "in-person"

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

Representative Hunter spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1427) to House Bill No. 2830 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 52; Absent, 0; Excused, 4.

Voting yea: Representatives Ahern, Alexander, Angel, Armstrong, Asay, Bailey, Buys, Chandler, Condotta, Crouse, Dahlquist, Dammeier, DeBolt, Eddy, Fagan, Haler, Hargrove, Harris, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Overstreet, Parker, Pearson, Rivers, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick, Wilcox and Zeiger.

Voting nay: Representatives Appleton, Billig, Blake, Carlyle, Clibborn, Cody, Darneille, Dickerson, Dunshee, Finn, Fitzgibbon, Goodman, Green, Haigh, Hansen, Hasegawa, Hudgins, Hunt, Hunter, Jinkins, Kagi, Kenney, Kirby, Ladenburg, Liias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Ormsby, Orwall, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Roberts, Ryu, Santos, Sells, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Wylie and Mr. Speaker.

Excused: Representatives Anderson, Hinkle, Rodne and Seaquist.

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

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2830.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2830, and the bill passed the House by the following vote: Yeas, 53; Nays, 41; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Billig, Blake, Carlyle, Clibborn, Cody, Darneille, Dunshee, Finn, Fitzgibbon, Goodman, Green, Haigh, Hansen, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jinkins, Kagi, Kelley, Kenney, Kirby, Ladenburg, Liias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Ormsby, Orwall, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Roberts, Ryu, Santos, Sells, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Wylie and Mr. Speaker.

Voting nay: Representatives Ahern, Alexander, Angel, Armstrong, Asay, Bailey, Buys, Chandler, Condotta, Crouse, Dahlquist, Dammeier, DeBolt, Dickerson, Eddy, Fagan, Haler, Hargrove, Harris, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Overstreet, Parker, Pearson, Rivers, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick, Wilcox and Zeiger.

Excused: Representatives Anderson, Hinkle, Rodne and Seaquist.

HOUSE BILL NO. 2830, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 2830.

Representative Dickerson, 36th District

THIRD READING

SUBSTITUTE HOUSE BILL NO. 2491, by House Committee on Labor & Workforce Development (originally sponsored by Representatives Upthegrove and Orwall).

Addressing when predecessor-successor relationships do not exist for purposes of unemployment experience rating.

The bill was read the third time.

Representatives Upthegrove and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2491.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2491, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Ahern, Alexander, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hansen, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Rivers, Roberts, Ross, Ryu, Santos, Schmick, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko,

Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Excused: Representatives Anderson, Hinkle, Rodne and Sequist.

SUBSTITUTE HOUSE BILL NO. 2491, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 6, 2012

MR. SPEAKER:

The Senate has passed SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6204 and the same is herewith transmitted.

Thomas Hoemann, Secretary

THIRD READING

SUBSTITUTE HOUSE BILL NO. 2590, by House Committee on Business & Financial Services (originally sponsored by Representatives Bailey and Buys).

Extending the expiration of the pollution liability insurance agency's authority and its funding source.

The bill was read the third time.

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2590.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2590, and the bill passed the House by the following vote: Yeas, 93; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Representatives Ahern, Alexander, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hansen, Hargrove, Harris, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jinkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Rivers, Roberts, Ross, Ryu, Santos, Schmick, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representative Overstreet.

Excused: Representatives Anderson, Hinkle, Rodne and Sequist.

SUBSTITUTE HOUSE BILL NO. 2590, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 2821, by Representatives Dickerson, Hudgins, Upthegrove, Maxwell, Kagi, Dunshee, Fitzgibbon, Jinkins, Hunter, Liias, Appleton, Tharinger, Pedersen and Hansen

Concerning children's safe products.

The bill was read the second time.

Representative Springer moved the adoption of amendment (1421).

On page 4, line 35, after "(1)" strike all material through "July 1, 2013" on line 36 and insert "Beginning June 30, 2014"

On page 5, line 4, after "(2)" strike all material through "(3)" on line 8

On page 5, beginning on line 14, strike all of sections 3 and 4

Correct the title.

Representative Taylor moved the adoption of amendment (1424) to amendment (1421).

On page 1, at the beginning of line 1 of the amendment, insert "On page 4, line 29, after "(13)" strike all material through "section" on line 32 and insert ""TCEP" means TCEP (tris(2-chloroethyl) phosphate), chemical abstracts service number 115-96-8, as of the effective date of this section""

On page 1, line 2 of the amendment, after "Beginning" strike "June 30" and insert "July 1"

On page 1, after line 2 of the amendment, insert "On page 5, line 2, after "containing" strike "TRIS" and insert "intentionally-added TCEP""

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

"On page 5, line 9, after "containing" strike "TRIS" and insert "TCEP""

On page 5, line 13, after "percent of" strike "TRIS" and insert "TCEP""

Representatives Taylor, Shea, DeBolt, Short and Taylor (again) spoke in favor of the adoption of the amendment to the amendment.

Representatives Upthegrove and Dickerson spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1424) to amendment (1421) and the amendment was not adopted by the following vote: Yeas, 46; Nays, 48; Absent, 0; Excused, 4.

Voting yea: Representatives Ahern, Alexander, Angel, Armstrong, Asay, Bailey, Blake, Buys, Chandler, Condotta, Crouse, Dahlquist, Dammeier, DeBolt, Fagan, Haler, Hargrove, Harris, Hope, Hurst, Johnson, Kelley, Kirby, Klippert, Kretz, Kristiansen, McCune, Morris, Nealey, Orcutt, Overstreet, Parker, Pearson, Rivers, Ross, Santos, Schmick, Shea, Short, Smith, Takko, Taylor, Walsh, Warnick, Wilcox and Zeiger.

Voting nay: Representatives Appleton, Billig, Carlyle, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Goodman, Green, Haigh, Hansen, Hasegawa, Hudgins, Hunt, Hunter, Jinkins, Kagi, Kenney, Ladenburg, Liias, Lytton,

Maxwell, McCoy, Miloscia, Moeller, Moscoso, Ormsby, Orwall, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Roberts, Ryu, Sells, Springer, Stanford, Sullivan, Tharinger, Upthegrove, Van De Wege, Wylie and Mr. Speaker.
Excused: Representatives Anderson, Hinkle, Rodne and Seaquist.

Representative Short moved the adoption of amendment (1426) to amendment (1421).

On page 1, line 2 of the amendment, after "and insert" strike "Beginning" and insert "Except as provided in subsection (2) of this section, beginning"

On page 1, line 5 of the amendment, after "line 8" insert "Manufacturers, wholesalers, and retailers may sell children's products containing tris(1,3-dichloro-2-propyl)phosphate until the department and the department of health identify that a safer and technically feasible alternative is available that provides a level of ignition resistance the same as or greater than that provided by tris(1,3-dichloro-2-propyl)phosphate as specified in section 3 of this act, and the fire safety committee, created in section 4 of this act, determines that the identified alternatives meets applicable fire safety standards.

(3)"

On page 1, line 7 of the amendment, after "sections 3 and 4" insert "and insert the following:

NEW SECTION. Sec. 3. A new section is added to chapter 70.240 RCW to read as follows:

(1) The department and the department of health shall review assessments, scientific studies, and other relevant findings regarding alternatives to the use of tris(1,3-dichloro-2-propyl)phosphate in children's products.

(2) If the department and the department of health jointly find that safer and technically feasible alternatives are available that provide a level of ignition resistance the same as or greater than that provided by tris(1,3-dichloro-2-propyl)phosphate, the department shall convene the fire safety committee created in section 4 of this act to determine whether the identified alternatives meet applicable fire safety standards.

(3) By majority vote, the fire safety committee created in section 4 of this act shall make a finding as to whether an alternative identified under subsection (2) of this section meets applicable fire safety standards. The fire safety committee shall report its finding to the state fire marshal. After reviewing the finding of the fire safety committee, the state fire marshal shall determine whether an alternative identified under subsection (2) of this section meets applicable fire safety standards. The determination of the state fire marshal must be based upon the finding of the fire safety committee. The state fire marshal shall report the determination to the department.

(4) The department shall seek public input on its findings, the findings of the fire safety committee, and the determination by the state fire marshal. The department shall publish these findings in the Washington State Register, and submit them in a report to the appropriate committees of the legislature. The department shall initially report these findings by December 31, 2013.

(5) If the December 31, 2013, report required in subsection (4) of this section finds that a safer and technically feasible alternative that meets applicable fire safety standards is available, and that alternative provides a level of ignition resistance the same as or greater than that provided by tris(1,3-dichloro-2-propyl)phosphate, then beginning July 1, 2014, no manufacturer, wholesaler, or retailer may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in the state a children's product containing tris(1,3-dichloro-2-propyl)phosphate in amounts greater than one hundred parts per million in any component.

NEW SECTION. Sec. 4. A new section is added to chapter 70.240 RCW to read as follows:

(1) The fire safety committee is created for the exclusive purpose of finding whether an alternative identified by the department and the department of health under section 3 of this act meets applicable fire safety standards.

(2) A majority vote of the members of the fire safety committee constitutes a finding that an alternative meets applicable fire safety standards.

(3) The fire safety committee consists of the following members:

(a) A representative from the department, who shall chair the fire safety committee and serve as an ex officio nonvoting member.

(b) Five voting members, appointed by the governor, as follows:

(i) A representative of the office of the state fire marshal;

(ii) A representative of a statewide association representing the interests of fire chiefs;

(iii) A representative of a statewide association representing the interests of fire commissioners;

(iv) A representative of a recognized statewide council, affiliated with an international association representing the interests of firefighters; and

(v) A representative of a statewide association representing the interests of volunteer firefighters."

Representatives Short, DeBolt, Taylor and Short (again) spoke in favor of the adoption of the amendment to the amendment.

Representatives Van De Wege and Pollet spoke against the adoption of the amendment to the amendment.

Amendment (1426) was not adopted.

Representative Short moved the adoption of amendment (1425) to amendment (1421).

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

"(4) This section does not apply to any children's product that may contain tris(1,3-dichloro-2-propyl)phosphate if it is being used to meet open flame or flammability standards."

Representatives Short, Armstrong, Taylor and Short (again) spoke in favor of the adoption of the amendment to the amendment.

Representatives Hudgins and Dickerson spoke against the adoption of the amendment to the amendment.

Amendment (1425) was not adopted.

With the consent of the house, amendments (1411), (1414), (1415), (1416), and (1417) to amendment (1421) were withdrawn.

Representative Springer spoke in favor of the adoption of amendment (1421).

Representative Short spoke against the adoption of the amendment.

Amendment (1421) 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 Dickerson and Smith spoke in favor of the passage of the bill.

Representatives Short and Ross 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 House Bill No. 2821.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2821, and the bill passed the House by the following vote: Yeas, 60; Nays, 34; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Asay, Bailey, Billig, Carlyle, Clibborn, Cody, Dammeier, Darneille, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Goodman, Green, Haigh, Hansen, Hargrove, Harris, Hasegawa, Hudgins, Hunt, Hunter, Jinkins, Kagi, Kelley, Kenney, Kirby, Ladenburg, Liias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Pollet, Probst, Reykdal, Roberts, Ryu, Sells, Smith, Springer, Stanford, Sullivan, Tharinger, Upthegrove, Van De Wege, Walsh, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Ahern, Alexander, Angel, Armstrong, Blake, Buys, Chandler, Condotta, Crouse, Dahlquist, DeBolt, Fagan, Haler, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Overstreet, Pearson, Rivers, Ross, Santos, Schmick, Shea, Short, Takko, Taylor, Warnick and Wilcox.

Excused: Representatives Anderson, Hinkle, Rodne and Seaquist.

ENGROSSED HOUSE BILL NO. 2821, having received the necessary constitutional majority, was declared passed.

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

INTRODUCTIONS AND FIRST READING

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6204, by Senate Committee on Ways & Means (originally sponsored by Senator Hargrove)

Modifying community supervision provisions.

There being no objection, SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6204 was read the first time, and under suspension of the rules was placed on the second reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., April 9, 2012, the 29th Day of the 1st Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

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