

**FIFTY NINTH LEGISLATURE - REGULAR SESSION**

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**NINETEENTH DAY**

---

House Chamber, Olympia, Friday, January 28, 2005

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jamie Bailey and Amar Kroesen. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Pat Feeney, Olympia Union Gospel Mission.

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

**RESOLUTIONS**

HOUSE RESOLUTION NO. 2005-4610, By Representatives Sommers, Hankins, Grant, Hunt, Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Chopp, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Green, Haigh, Haler, Hasegawa, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Woods

WHEREAS, Dee R. Hooper started working for the State of Washington as an engineering aide with the Department of General Administration in December of 1962; and Dee Hooper was project manager for the 1976 Legislative Building Structural and Earthquake Repairs; and

WHEREAS, Dee Hooper was the first person to be selected to serve the House of Representatives and Senate jointly in the capacity of legislative facilities director; and

WHEREAS, In that capacity, Dee Hooper created a unique system for the planning, coordination, and completion of all House and Senate construction projects, including remodel of the House Office Building hearing rooms and member offices, the John A. Cherberg Office Building hearing rooms, the Institutions Building, the refurbishing of the media houses, and the painting of the Legislative Building for the state's centennial; and

WHEREAS, Dee Hooper has been an integral part of the remodel or refurbish planning for the Pritchard Library, the Mod 1 and Mod 2 buildings, the Newhouse Building member offices, the John A. Cherberg Office Building member offices, the John O'Brien Office Building hearing room upgrades, and the Legislative Building Rehabilitation Project; and

WHEREAS, Throughout the decades of projects, Dee has maintained an archive of architectural and contractor-related documents related to each and every project and has become the historian emeritus of such precious documents not available anywhere else; and

WHEREAS, The House of Representatives and Senate have relied on Dee Hooper to act with integrity and diligence on their behalf with contractors, vendors, historical preservationists, architects, artisans, and agencies; and

WHEREAS, While maintaining a Herculean Legislative work schedule, Dee Hooper has also been an integral part of the Inaugural Ball planning committees for the last nine inaugurations; and

WHEREAS, Dee Hooper served as host state and staff coordinator for the national conventions of the Council on State Governments in 1978, the National Conference of State Legislatures in 1985, and the American Legislative Exchange Council in 1991; and

WHEREAS, In the face of severe damage from the 2001 Nisqually earthquake, the state and its legislature chose not just to repair the damage but to invest 118 million dollars to update the building to serve the societal and technical requirements that accompany our entry into a new century; and

WHEREAS, The Legislative Building is a majestic structure of granite, sandstone, and marble, crowned with a 278-foot marble dome, one of the 10 grandest in the world; and

WHEREAS, Dee Hooper delayed his retirement in order to be an integral part of the renovation of the Legislative Building, a building he loves so very much, devoting countless hours of time, including evenings, weekends, and holidays, to ensure that the monumental task was completed in the allotted two and one-half years; and

WHEREAS, Under Dee Hooper's leadership, over 7,000 pieces of furniture and 3,000 boxes were moved out of and back into the Legislative Building, and over 325 work stations were relocated, all coordinated between 15 different interim locations;

NOW, THEREFORE, BE IT RESOLVED, That Dee R. Hooper be acknowledged for his superior contributions to the grace and dignity of the Washington State Capitol Campus, the same grace and dignity he brought to work each day; and

BE IT FURTHER RESOLVED, That Dee Hooper be congratulated on his retirement from over four decades of public service, and in pursuing future endeavors he is wished the very best.

Representative Sommers moved the adoption of the resolution.

Representatives Sommers and Hankins spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4610 was adopted.

HOUSE RESOLUTION NO. 2005-4609, by Representatives Takko, Springer, Santos, Ericks, Haigh, Chase, P. Sullivan, Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chopp, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Green, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Strow, B. Sullivan, Sump, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Woods

WHEREAS, On December 26, 2004, one of the most devastating natural disasters in recent history brought modern civilization to its knees and unspeakable grief to our hearts; and

WHEREAS, An earthquake, 9.0 in magnitude, centered underwater off the coast of the Indonesian island of Sumatra, triggered a tsunami that traveled at speeds of up to 500 miles per hour and 40 feet in height, devastating the coastal areas of Indonesia, Sri Lanka, India, Thailand, Malaysia, and the Maldives; and

WHEREAS, The disaster was felt as far away as Somalia, where nine people died; and

WHEREAS, An estimated 212,611 people lost their lives, including 18 Americans, and 6,245 people are still missing, including 17 Americans presumed dead; and

WHEREAS, Governments, corporations, relief agencies, and individuals worldwide have come together to pledge more than \$5 billion to the relief and recovery effort; and

WHEREAS, UNICEF, Save The Children, and the Red Cross are international organizations that provide medical and basic need disaster relief services to underdeveloped and disaster-stricken regions; and

WHEREAS, More than 1 million children were orphaned, displaced, injured, or otherwise affected by the disaster and UNICEF has deemed these children the "Tsunami Generation"; and

WHEREAS, Children are among the most vulnerable in this disaster; many have been orphaned or separated from their parents, making them susceptible to exploitation, abuse, or criminal trafficking, making current efforts by UNICEF and Save The Children to register, support, and keep such children safe of paramount importance; and

WHEREAS, We also recognize Save The Children for its ongoing relief efforts setting up temporary camps and providing water, food, shelter, medicine, and protection from disease to both children and adults who were victimized by the tsunami; and

WHEREAS, Recognizing the need to reopen schools in South Asia and reestablish a daily routine for children, Education International established a tsunami relief program to provide assistance directly to teachers, students, and schools in the affected areas, which allowed schools in Sri Lanka to reopen January 10th;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and support the Red Cross, Save The Children, and UNICEF for their work to aid the victims of the tsunami and to protect the "Tsunami Generation" from further trauma; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Washington state chapters of the Red Cross, UNICEF, and Save The Children.

HOUSE RESOLUTION NO. 4609 was adopted.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed:

SENATE CONCURRENT RESOLUTION NO. 8400,

**INTRODUCTION & FIRST READING**

HB 1561 by Representatives Appleton, Roach, Santos, Kirby, Schual-Berke, Condotta, Williams and Chase

AN ACT Relating to prohibiting discrimination in life insurance based on lawful travel destinations; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1562 by Representatives Dunn, Holmquist, Sump, Buri, Crouse, Ahern, Roach, Orcutt, Haler, Talcott, Hinkle, Schindler, Condotta, Serben, Ericksen, Kristiansen and McCune

AN ACT Relating to prohibiting partial birth abortions; adding a new section to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Health Care.

HB 1563 by Representatives Hinkle, Schindler, Sump, Miloscia, Curtis, Haler, Ericksen, Serben, Kristiansen, Ahern and Dunn

AN ACT Relating to prohibiting the sale, donation, or use of aborted fetal body parts; amending RCW 70.58.150, 68.50.610, 68.04.020, and 68.50.110; adding new sections to chapter 9.02 RCW; and declaring an emergency.

Referred to Committee on Health Care.

HB 1564 by Representatives Lovick, Clements, Ericks, O'Brien and Newhouse

AN ACT Relating to raising the mandatory retirement age for members of the Washington state patrol retirement system; and amending RCW 43.43.250.

Referred to Committee on Appropriations.

HB 1565 by Representatives Jarrett, Moeller, Tom, Simpson, Appleton, Linville, Sommers, Lantz and Dunshee

AN ACT Relating to multimodal concurrency strategies; amending RCW 47.80.030; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

HB 1566 by Representatives Jarrett, Linville, Alexander, Hunter, Nixon, Sommers, Priest, P. Sullivan, Anderson, Chase and Buck

AN ACT Relating to government accountability; amending RCW 43.88.090 and 44.28.083; adding a new section to chapter 44.04 RCW; adding a new section to chapter 44.28 RCW; and creating new sections.

Referred to Committee on State Government Operations & Accountability.

HB 1567 by Representatives Kristiansen, B. Sullivan, Roach, McDonald, Schindler, Bailey, Pearson, Nixon, O'Brien, Shabro, Buck and Condotta

AN ACT Relating to allowing agricultural lands that are not being used for the commercial production of food or other agricultural products to be used for recreational activities; amending RCW 36.70A.060, 36.70A.130, 36.70A.177, and 90.58.100; and declaring an emergency.

Referred to Committee on Local Government.

HB 1568 by Representatives Haigh, Hinkle, Wallace, P. Sullivan, Conway, Chase, McCoy and Kenney; by request of Governor Gregoire

AN ACT Relating to activation of the national guard; and amending RCW 38.08.040 and 38.24.010.

Referred to Committee on State Government Operations & Accountability.

HB 1569 by Representatives Morrell, Clibborn, Skinner, Schual-Berke, Green, Moeller, Cody, Curtis, Condotta, Chase, O'Brien and Kenney

AN ACT Relating to quality assurance in boarding homes, nursing homes, hospitals, peer review organizations, and coordinated quality improvement plans; amending RCW 18.20.390, 4.24.250, 43.70.510, and 70.41.200; reenacting and amending RCW 42.17.310; adding a new section to chapter 74.42 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1570 by Representatives McIntire, Simpson, Jarrett, Fromhold and Dunshee

AN ACT Relating to creating the Washington voluntary accounts program; amending RCW 43.33A.070 and 43.84.092; adding a new chapter to Title 41 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 1571 by Representatives Fromhold, Schual-Berke, Morrell, Linville, Moeller and Kenney

AN ACT Relating to revising the nursing facility payment system; amending RCW 74.46.431, 74.46.433, 74.46.496, 74.46.501, 74.46.506, 74.46.511, 74.46.515, and 74.46.521; adding a new section to chapter 74.46 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1572 by Representatives Bailey, Schindler, Condotta, Newhouse, Clibborn, Strow, Cody, Morrell, Ahern, Kristiansen, P. Sullivan, Nixon, Wood, Skinner and Buck

AN ACT Relating to tax deductions and exemptions for postage costs; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Finance.

HB 1573 by Representatives P. Sullivan, Haler, Linville, Dunn, Skinner, Fromhold, Grant, Wallace, Ormsby, Morrell, Hasegawa, Kenney, Pettigrew, Holmquist, McCoy, Upthegrove, Clibborn, Santos and Kilmer

AN ACT Relating to the linked deposit program; amending RCW 43.86A.030, 43.86A.060, 39.19.240, and 43.63A.690; adding a new section to chapter 43.86A RCW; adding a new section to chapter 39.19 RCW; creating a new section; and repealing RCW 43.131.381 and 43.131.382.

Referred to Committee on Financial Institutions & Insurance.

HB 1574 by Representatives Morrell, McDonald, Linville, Springer, Flannigan, Campbell, Pettigrew, Conway, P. Sullivan, Holmquist, Ericks, Hinkle, Upthegrove, Williams and Hudgins

AN ACT Relating to sales and use tax relief for qualifying small businesses constructing manufacturing facilities; amending RCW 82.60.030; adding a new chapter to Title 82 RCW; and declaring an emergency.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 1575 by Representatives Morrell, McDonald, Wallace, Campbell, Springer, Kilmer, Blake, Kristiansen, Ericks, Flannigan, Linville, Pettigrew, P. Sullivan, Conway, Holmquist, Hinkle, Williams, Lantz, O'Brien, Kenney and Condotta

AN ACT Relating to a business and occupation tax credit for small business; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 1576 by Representatives Morrell, Buri, Wallace, Springer, Chase, Flannigan, Kilmer, McDonald, Blake, Pettigrew, Ericks, Linville, Campbell, P. Sullivan, Conway, Hinkle, Williams, Eickmeyer, Hasegawa, Clibborn, Lantz, O'Brien, Kenney and Shabro

AN ACT Relating to a small business tax credit; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 1577 by Representatives Lantz, Hankins, Morrell, Jarrett, Moeller, Clibborn, Flannigan, Darneille, Dunshee and Kilmer

AN ACT Relating to capital projects for local nonprofit art, cultural, heritage, youth, and social service organizations; amending RCW 43.63A.125, 43.63A.750, 27.34.330, and 43.63A.135; and repealing 1999 c 295 s 4 (uncodified).

Referred to Committee on Capital Budget.

HB 1578 by Representatives McIntire, Ahern, Simpson, Santos, Schindler, Eickmeyer and Lantz

AN ACT Relating to multiyear excess property tax levies; amending RCW 84.52.053, 84.52.054, and 84.52.130; repealing RCW 84.52.052; and providing a contingent effective date.

Referred to Committee on Finance.

HB 1579 by Representatives Campbell, Kirby, O'Brien, Lantz, P. Sullivan, Chase, McCoy, Moeller, Dunshee and Sump

AN ACT Relating to animal fighting; amending RCW 16.52.117; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1580 by Representatives Lovick, Darneille, Miloscia, O'Brien, Chase and Wood

AN ACT Relating to the sale and use of projectile stun guns; adding a new chapter to Title 9 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1581 by Representatives O'Brien, Schindler, Jarrett, Dunn, Woods, McCune, Wood, Ericksen and Rodne

AN ACT Relating to vehicle licensing subagents; and amending RCW 46.01.140.

Referred to Committee on Transportation.

HB 1582 by Representatives O'Brien, Schindler, Jarrett, Dunn, Wood, Miloscia, Woods, Williams and Skinner

AN ACT Relating to subagents' fees; and amending RCW 46.01.140.

Referred to Committee on Transportation.

HB 1583 by Representatives Hunt, Upthegrove, Williams, McDermott, Cody, Hasegawa, Chase, Moeller, Kenney and Wood

AN ACT Relating to relocation assistance payments to tenants; amending RCW 59.18.085 and 35.80.030; creating a new section; and prescribing penalties.

Referred to Committee on Housing.

HB 1584 by Representatives McCoy, Dunshee, Linville and Chase

AN ACT Relating to recognizing interests based upon federal laws in the management of state waters; and amending RCW 90.54.020.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 1585 by Representatives Nixon and O'Brien

AN ACT Relating to standards for housing for persons who are temporarily homeless; amending RCW 70.114A.020 and 70.114A.085; creating a new section; and declaring an emergency.

Referred to Committee on Housing.

HB 1586 by Representatives Kenney, Santos, Hasegawa, Cody, McDermott, Conway, Ormsby, Roberts, Sells, Hunt, Upthegrove, Williams, Darneille, Chase, McCoy, Moeller, Lantz, Hudgins and McIntire

AN ACT Relating to higher education admissions; amending RCW 49.60.400; and creating a new section.

Referred to Committee on Higher Education.

HB 1587 by Representatives Shabro, Morrell, Roach and Woods; by request of Department of Social and Health Services

AN ACT Relating to capital facilities at the Rainier school; amending RCW 72.01.140; and repealing RCW 28B.30.820 and 72.01.142.

Referred to Committee on Capital Budget.

HB 1588 by Representatives Condotta, Linville, Kristiansen, Pettigrew, Kretz, Haler, Morrell, Williams, Eickmeyer, Anderson, Clibborn, Lovick, Chase, McCoy, McDonald and Dunn

AN ACT Relating to tourism promotion; amending RCW 43.330.090 and 43.330.094; creating a new section; and making appropriations.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 1589 by Representatives Kenney, Jarrett, Kagi, Priest, Sells, Fromhold, Walsh, Ormsby, Linville, Hasegawa, Chase, Blake, McCoy, Moeller, O'Brien, Santos, Hudgins, Wood and McDermott

AN ACT Relating to vocational educational training as a work activity under Washington WorkFirst; and amending RCW 74.08A.250.

Referred to Committee on Children & Family Services.

HB 1590 by Representatives Schual-Berke, Cody, Appleton, Dickerson, Williams, Clibborn, Moeller and Kagi

AN ACT Relating to decreasing administrative burdens for providers and plans participating in state purchased health care programs; adding a new section to chapter 41.05 RCW; and making appropriations.

Referred to Committee on Health Care.

HB 1591 by Representatives Schual-Berke, Hinkle, Cody, Skinner and Moeller

AN ACT Relating to care facilities; amending RCW 18.20.020; adding a new section to chapter 18.20 RCW; and adding new sections to chapter 43.70 RCW.

Referred to Committee on Health Care.

HB 1592 by Representatives Strow, Talcott, Kenney, Woods, Darneille, Bailey, Green, Holmquist, Shabro, Moeller, Walsh, Williams, Skinner, Dunshee, Kristiansen, Pearson, Sommers, Dickerson, Conway, Clements, Linville, Haler, Upthegrove, Hasegawa, P. Sullivan, Clibborn, Lovick, Chase, Jarrett, Rodne, Blake, Ericks, Sells, Appleton, McCoy, McDonald, Dunn, DeBolt, Lantz, Santos, Roberts, Hudgins, Ahern, McCune, Alexander, Kretz, Hankins, Haigh, Tom, Kilmer, Schual-Berke, McDermott, Newhouse, Condotta and Kagi

AN ACT Relating to recording the oral histories of women who contributed to their communities, the state, or the nation during World War II; amending RCW 28A.300.370; creating a new section; and providing an effective date.

Referred to Committee on Education.

HB 1593 by Representatives Linville, Clements, Pettigrew, O'Brien, Hasegawa, Grant, Kenney, McDermott, McDonald, Chase, Skinner, Williams, Santos, Schual-Berke and Kagi

AN ACT Relating to expansion of farmers market nutrition programs; creating a new section; and making appropriations.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 1594 by Representatives Linville, Skinner, Fromhold, Grant, Haler, Dunshee, Dunn, Santos, Armstrong, Wallace, Morris, Holmquist, Pettigrew, Schindler, Kenney, Morrell, Eickmeyer, Rodne, Upthegrove, Dickerson, Clibborn, Moeller and Hankins

AN ACT Relating to the Washington growing business fund; adding new sections to chapter 43.33A RCW; and creating a new section.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 1595 by Representatives McDermott, Woods, Cody, Jarrett, Clibborn and Dunn



AN ACT Relating to land acquired from a commercial waterway district; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Local Government.

HB 1596 by Representatives O'Brien, Hankins and Anderson

AN ACT Relating to consolidated rental car facilities at airports; and amending RCW 14.08.120.

Referred to Committee on Transportation.

HJM 4008 by Representatives Dunshee, O'Brien, Moeller, B. Sullivan, McCoy, Ericks, Sells, Lovick, Upthegrove and Hudgins

Naming part of SR 99 the William P. Stewart Memorial Highway.

Referred to Committee on Transportation.

HJR 4206 by Representatives McIntire, Ahern, Simpson, Santos, Schindler, Chase and Appleton

Providing a constitutional amendment to modify voter-approved property tax levy limitations.

Referred to Committee on Finance.

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

### REPORTS OF STANDING COMMITTEES

January 26, 2005

HB 1048 Prime Sponsor, Representative Linville: Modifying the date for submitting local government property tax estimates to counties. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern; Takko and Woods.

Passed to Committee on Rules for second reading.

January 26, 2005

HB 1069 Prime Sponsor, Representative McIntire: Requiring performance audits for tax preferences. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Ahern; Conway; Hasegawa; Roach and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Ahern and Roach.

Passed to Committee on Rules for second reading.

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

## SECOND READING

**HOUSE BILL NO. 1154, By Representatives Schual-Berke, Campbell, Kirby, Jarrett, Green, Kessler, Simpson, Clibborn, Hasegawa, Appleton, Moeller, Kagi, Ormsby, Chase, McCoy, Kilmer, Williams, O'Brien, P. Sullivan, Tom, Morrell, Fromhold, Dunshee, Lantz, McIntire, Sells, Murray, Kenney, Haigh, Darneille, McDermott, Dickerson, Santos and Linville**

**Requiring that insurance coverage for mental health services be at parity with medical and surgical services.**

The bill was read the second time. There being no objection, Substitute House Bill No. 1154 was substituted for House Bill No. 1154 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1154 was read the second time.

Representative Roach moved the adoption of amendment (005):

On page 2, after line 10, insert "or "severe mental illness services""

On page 2, beginning on line 12, after "treat" strike all material through "association; (c)" on line 22, and insert "any of the following diagnosed mental disorders:

- (a) Schizophrenia or schizoaffective disorder;
- (b) Bipolar disorder;
- (c) Pervasive developmental disorder or autism;
- (d) Panic disorder;
- (e) Obsessive-compulsive disorder;
- (f) Major depressive disorder;
- (g) Anorexia/bulimia;
- (h) Asperger's disorder;
- (i) Intermittent explosive disorder;
- (j) Posttraumatic stress disorder;
- (k) Psychosis NOS (not otherwise specified) when diagnosed in a child under seventeen years of age;
- (l) Rett's disorder; and
- (m) Tourette's disorder.

"Mental health services" or "severe mental illness services" shall not include (a)"

On page 2, line 23, strike "(d)" and insert "(b)"

On page 4, after line 23, insert "or "severe mental illness services""

On page 4, beginning on line 25, after "treat" strike all material through "association; (c)" on line 35, and insert "any of the following diagnosed mental disorders:

- (a) Schizophrenia or schizoaffective disorder;
- (b) Bipolar disorder;
- (c) Pervasive developmental disorder or autism;
- (d) Panic disorder;
- (e) Obsessive-compulsive disorder;
- (f) Major depressive disorder;
- (g) Anorexia/bulimia;
- (h) Asperger's disorder;
- (i) Intermittent explosive disorder;

- (j) Posttraumatic stress disorder;
- (k) Psychosis NOS (not otherwise specified) when diagnosed in a child under seventeen years of age;
- (l) Rett's disorder; and
- (m) Tourette's disorder.

"Mental health services" or "severe mental illness services" shall not include (a)"

On page 4, line 36, strike "(d)" and insert "(b)"

On page 6, after line 29, insert "or "severe mental illness services""

Beginning on page 6, line 31, after "treat" strike all material through "association; (c)" on page 7, line 4, and insert "any of the following diagnosed mental disorders:

- (a) Schizophrenia or schizoaffective disorder;
- (b) Bipolar disorder;
- (c) Pervasive developmental disorder or autism;
- (d) Panic disorder;
- (e) Obsessive-compulsive disorder;
- (f) Major depressive disorder;
- (g) Anorexia/bulimia;
- (h) Asperger's disorder;
- (i) Intermittent explosive disorder;
- (j) Posttraumatic stress disorder;
- (k) Psychosis NOS (not otherwise specified) when diagnosed in a child under seventeen years of age;
- (l) Rett's disorder; and
- (m) Tourette's disorder.

"Mental health services" or "severe mental illness services" shall not include (a)"

On page 7, line 5, strike "(d)" and insert "(b)"

On page 8, after line 34, insert "or "severe mental illness services""

Beginning on page 8, line 36, after "treat" strike all material through "association; (c)" on page 9, line 9, and insert "any of the following diagnosed mental disorders:

- (a) Schizophrenia or schizoaffective disorder;
- (b) Bipolar disorder;
- (c) Pervasive developmental disorder or autism;
- (d) Panic disorder;
- (e) Obsessive-compulsive disorder;
- (f) Major depressive disorder;
- (g) Anorexia/bulimia;
- (h) Asperger's disorder;
- (i) Intermittent explosive disorder;
- (j) Posttraumatic stress disorder;
- (k) Psychosis NOS (not otherwise specified) when diagnosed in a child under seventeen years of age;
- (l) Rett's disorder; and
- (m) Tourette's disorder.

"Mental health services" or "severe mental illness services" shall not include (a)"

On page 9, line 10, strike "(d)" and insert "(b)"

On page 11, after line 3, insert "or "severe mental illness services""

On page 11, beginning on line 5, after "treat" strike all material through "association; (c)" on line 15, and insert "any of the following diagnosed mental disorders:

- (a) Schizophrenia or schizoaffective disorder;
- (b) Bipolar disorder;
- (c) Pervasive developmental disorder or autism;
- (d) Panic disorder;
- (e) Obsessive-compulsive disorder;
- (f) Major depressive disorder;
- (g) Anorexia/bulimia;
- (h) Asperger's disorder;
- (i) Intermittent explosive disorder;
- (j) Posttraumatic stress disorder;
- (k) Psychosis NOS (not otherwise specified) when diagnosed in a child under seventeen years of age;
- (l) Rett's disorder; and
- (m) Tourette's disorder.

"Mental health services" or "severe mental illness services" shall not include (a)"

On page 11, line 16, strike "(d)" and insert "(b)"

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

Representative Simpson spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Clements moved the adoption of amendment (004):

On page 3, line 31, after "deductible," strike "mental health services shall" and insert "a mental health services deductible of up to one thousand dollars may be imposed and shall not"

On page 6, line 7, after "deductible," strike "mental health services shall" and insert "a mental health services deductible of up to one thousand dollars may be imposed and shall not"

On page 8, line 12, after "deductible," strike "mental health services shall" and insert "a mental health services deductible of up to one thousand dollars may be imposed and shall not"

On page 10, line 19, after "deductible," strike "mental health services shall" and insert "a mental health services deductible of up to one thousand dollars may be imposed and shall not"

On page 12, line 24, after "deductible," strike "mental health services shall" and insert "a mental health services deductible of up to one thousand dollars may be imposed and shall not"

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

Representative Morrell spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Serben moved the adoption of amendment (002):

On page 6, after line 26, insert the following:

"(6) The mandate to provide coverage for mental health services shall not apply with respect to a group of fifty or more employees if the insurer chooses to contest the application of the mandate and can demonstrate an increase in the cost of the plan of more than one percent. The insurer can file documentation of any increases due to the mandate with the office of the insurance commissioner. If the commissioner determines that an increase of more than one percent is due to the cost of complying with this act, the plan does not have to comply with the mandates in this act. The insurer may appeal the determination under chapters 48.04 and 34.05 RCW."

On page 8, after line 31, insert the following:

"(6) The mandate to provide coverage for mental health services shall not apply with respect to a group of fifty or more employees if the health care service contractor chooses to contest the application of the mandate and can demonstrate an increase in the cost of the plan of more than one percent. The health care service contractor can file documentation of any increases due to the mandate with the office of the insurance commissioner. If the commissioner determines that an increase of more than one percent is due to the cost of complying with this act, the plan does not have to comply with the mandates in this act. The health care service contractor may appeal the determination under chapters 48.04 and 34.05 RCW."

On page 10, after line 38, insert the following:

"(6) The mandate to provide coverage for mental health services shall not apply with respect to a group of fifty or more employees if the health maintenance organization chooses to contest the application of the mandate and can demonstrate an increase in the cost of the plan of more than one percent. The health maintenance organization can file documentation of any increases due to the mandate with the office of the insurance commissioner. If the commissioner determines that an increase of more than one percent is due to the cost of complying with this act, the plan does not have to comply with the mandates in this act. The health maintenance organization may appeal the determination under chapters 48.04 and 34.05 RCW."

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

Representative Cody spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Serben moved the adoption of amendment (001):

On page 16, after line 26, insert the following:

**"NEW SECTION. Sec. 10.** A new section is added to chapter 82.04 RCW to read as follows:

A credit is allowed against tax due under this chapter to employers for the cost of the provision of mental health services under sections 3, 4, and 5 of this act. The credit is equal to the additional cost to the employer attributable to the coverage of the mental health services required by sections 3, 4, and 5 of this act."

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

Representatives Serben, Ericksen, Orcutt, DeBolt and Orcutt (again) spoke in favor of the adoption of the amendment.

Representatives Schual-Berke and McIntire spoke against the adoption of the amendment.

**MOTION**

On motion of Representative Appleton, Representatives Hunt, Morris, Quall and Santos were excused. On motion of Representative Clements, Representatives Campbell and Cox were excused.

### ROLL CALL

The Clerk called the roll on amendment (001) to Substitute House Bill No. 1154 and the amendment failed the House by the following vote: Yeas - 40, Nays - 52, Absent - 0, Excused - 6.

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

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Murray, O'Brien, Ormsby, Pettigrew, Roberts, Schual-Berke, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Tom, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 52.

Excused: Representatives Campbell, Cox, Hunt, Morris, Quall and Santos - 6.

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

Representatives Schual-Berke, Green, Dickerson and Simpson spoke in favor of passage of the bill.

Representatives Orcutt, DeBolt, Ericksen, Serben and Ahern spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1154.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1154 and the bill passed the House by the following vote: Yeas - 67, Nays - 25, Absent - 0, Excused - 6.

Voting yea: Representatives Alexander, Appleton, Armstrong, Blake, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Murray, O'Brien, Ormsby, Pettigrew, Priest, Roberts, Rodne, Schual-Berke, Sells, Shabro, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 67.

Voting nay: Representatives Ahern, Anderson, Bailey, Buck, Buri, Chandler, Clements, Condotta, Crouse, Curtis, Dunn, Ericksen, Kretz, Kristiansen, McCune, Newhouse, Nixon, Orcutt, Pearson, Roach, Schindler, Serben, Skinner, Sump and Talcott - 25.

Excused: Representatives Campbell, Cox, Hunt, Morris, Quall and Santos - 6.

SUBSTITUTE HOUSE BILL NO. 1154, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., January 31, 2005, the 21st Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

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