FIFTY NINTH LEGISLATURE - REGULAR SESSION

THIRTY SECOND DAY

House Chamber, Olympia, Thursday, February 10, 2005

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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

MESSAGE FROM THE SENATE

February 9, 2005

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5049, SUBSTITUTE SENATE BILL NO. 5085, SUBSTITUTE SENATE BILL NO. 5161, SUBSTITUTE SENATE BILL NO. 5182,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION & FIRST READING

<u>HB 1910</u> by Representatives Morrell, Campbell, Cody, Clibborn, Simpson, Upthegrove, Hasegawa, O'Brien, Chase and Conway; by request of Insurance Commissioner

AN ACT Relating to stabilizing the health insurance market; amending RCW 48.41.200; reenacting and amending RCW 43.79A.040; adding a new section to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; adding a new chapter to Title 48 RCW; and creating new sections.

Referred to Committee on Health Care.

<u>HB 1911</u> by Representatives Condotta, Grant, Kessler, Linville and McCoy

AN ACT Relating to worker accidents reports; amending RCW 51.28.010, 51.28.010, 51.28.020, 51.28.025, and 51.28.025; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 1912 by Representatives Condotta and Grant

AN ACT Relating to the calculation of wages under industrial insurance provisions; and amending RCW 51.08.178.

Referred to Committee on Commerce & Labor.

HB 1913 by Representatives Hunt, Wallace, Moeller, Morrell and O'Brien

AN ACT Relating to the date of the primary election; amending RCW 29A.04.311, 29A.24.040, 29A.24.050, 29A.52.011, 42.17.080, and 42.17.710; repealing RCW 29A.04.158; and providing an effective date.

Referred to Committee on State Government Operations & Accountability.

HB 1914 by Representatives Walsh, Schindler and Grant

AN ACT Relating to dissolving or deactivating joint housing authorities; amending RCW 35.82.300 and 35.82.320; and adding a new section to chapter 35.82 RCW.

Referred to Committee on Housing.

<u>HB 1915</u> by Representatives McIntire, Conway, Clements, McCoy, Williams and Chase; by request of Department of Revenue

AN ACT Relating to adding additional tribes with whom the governor may contract with under RCW 43.06.460; and amending RCW 43.06.460.

Referred to Committee on Finance.

<u>HB 1916</u> by Representatives Conway, McIntire, Clements, McCoy, Williams and Chase; by request of Department of Revenue

AN ACT Relating to authorizing a cigarette taxation agreement between the state of Washington and the Puyallup Indian Tribe; amending RCW 82.08.0316 and 82.12.0316; adding a new section to chapter 43.06 RCW; adding a new section to chapter 82.24 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Finance.

HB 1917 by Representatives Conway, Wood and Chase

AN ACT Relating to improving stability in industrial insurance premium rates; amending RCW 51.16.035; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1918 by Representatives Conway, Wood and Chase

AN ACT Relating to implementing recommendation no. 2 of the joint legislative audit and review committee's report no. 98-9 with regard to reporting of industrial insurance injuries; creating a new section; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 1919 by Representatives Haigh, Hudgins, Hunter, Morrell, Hasegawa, O'Brien, Lantz and Chase

AN ACT Relating to kindergarten; amending RCW 28A.150.220, 28A.150.250, and 28A.525.162; adding a new section to chapter 28A.150 RCW; and providing an effective date.

Referred to Committee on Education.

<u>HB 1920</u> by Representatives McDermott and Chase

AN ACT Relating to education for children who are deaf and hard of hearing; adding a new section to chapter 28A.155 RCW; and creating a new section.

Referred to Committee on Education.

HB 1921 by Representatives Schual-Berke and Bailey

AN ACT Relating to the quality maintenance fee on nursing facility operators; amending RCW 82.71.010 and 74.46.091; creating a new section; and providing a contingent expiration date.

Referred to Committee on Appropriations.

<u>HB 1922</u> by Representatives Schual-Berke, Bailey and Armstrong

AN ACT Relating to the nursing facility medicaid program trust account; adding a new section to chapter 74.46 RCW; and adding a new section to chapter 82.71 RCW.

Referred to Committee on Appropriations.

<u>HB 1923</u> by Representatives P. Sullivan, Haler, Pettigrew, Walsh, Morrell, Strow, Kilmer, Kessler and Simpson

AN ACT Relating to the creation of certified capital companies to promote investment in start-up and emerging Washington businesses; adding a new section to chapter 48.14 RCW; adding a new chapter to Title 48 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

<u>HB 1924</u> by Representatives Kretz, Pearson, Haler and Condotta

AN ACT Relating to awarding prevailing or substantially prevailing state and local agencies attorneys' fees in appeals involving the state environmental policy act and critical areas; amending RCW 4.84.370; and creating a new section.

Referred to Committee on Judiciary.

HB 1925 by Representatives Kretz, Holmquist, Haler, Buri, Newhouse and Orcutt

AN ACT Relating to providing assistance to small counties and cities facing legal liability and costs associated with an action filed under the federal clean water act's citizen suit provision; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Judiciary.

<u>HB 1926</u> by Representatives Blake, Buck, Eickmeyer and DeBolt

AN ACT Relating to obstructing the taking of fish, shellfish, or wildlife; amending RCW 77.15.212; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

<u>HB 1928</u> by Representatives Kirby, Hasegawa, Dickerson and Chase

AN ACT Relating to prohibiting the use of consumer credit histories for personal insurance renewal decisions; amending RCW 48.18.545; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1927 by Representatives Kirby, Morrell, Hasegawa and Chase

AN ACT Relating to restricting the use of personal credit histories and credit scores; adding a new section to chapter 48.18 RCW; and repealing RCW 48.18.545 and 48.19.035.

Referred to Committee on Financial Institutions & Insurance.

HB 1929 by Representatives Kirby, Morrell, Campbell and Lantz

AN ACT Relating to medical malpractice rates; and adding new sections to chapter 48.19 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1930 by Representatives Hasegawa, Upthegrove, Schual-Berke and McDermott

AN ACT Relating to the creation of a citizen's committee to monitor aircraft noise abatement programs administered by the Port of Seattle at Seattle-Tacoma International Airport; and adding a new section to chapter 53.54 RCW.

Referred to Committee on Local Government.

<u>HB 1931</u> by Representatives Hasegawa, Upthegrove, Schual-Berke, McDermott and Cody

AN ACT Relating to easements and damage waivers with respect to aircraft noise mitigation programs; and amending RCW 53.54.030.

Referred to Committee on Local Government.

HB 1932 by Representatives Clibborn and Ericks

AN ACT Relating to the annexation of unincorporated island territory within code and noncode cities; amending RCW 36.93.105, 35.13.182, and 35A.14.295; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; and creating a new section.

Referred to Committee on Local Government.

<u>HB 1933</u> by Representatives Schual-Berke, Morrell and Lantz

AN ACT Relating to reporting and analysis of medical malpractice related information; adding a new section to chapter 7.70 RCW; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

<u>HB 1934</u> by Representatives Lovick, Ahern, Dickerson, Santos, O'Brien, Williams, Simpson, Ericks and Chase

AN ACT Relating to assault of a peace officer with a projectile stun gun; amending RCW 9A.36.021 and 9A.04.110; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

<u>HB 1935</u> by Representatives Wallace, Williams, Pettigrew and Hunt

AN ACT Relating to enforcing orders to provide health insurance coverage for dependent children; and amending RCW 26.18.170.

Referred to Committee on Juvenile Justice & Family Law.

<u>HB 1936</u> by Representatives Upthegrove, Hinkle, Simpson, Priest, Miloscia, Schual-Berke, P. Sullivan, Williams, Hasegawa and O'Brien

AN ACT Relating to allowing members of the public employees' retirement system plans 1 and 2 employed as emergency medical technicians to transfer to the law enforcement officers' and fire fighters' retirement system plan 2; amending RCW 41.26.030 and 41.26.547; and providing an expiration date.

Referred to Committee on Appropriations.

<u>HB 1937</u> by Representatives Kirby, Morrell and Lantz

AN ACT Relating to medical malpractice; adding a new section to chapter 7.70 RCW; adding a new chapter to Title 48 RCW; prescribing penalties; and making appropriations.

Referred to Committee on Financial Institutions & Insurance.

HB 1938 by Representatives Hinkle, Darneille, Morrell, Ericks and O'Brien

AN ACT Relating to employment and retirement rights of members of the armed forces called to active duty; amending RCW 41.40.170; reenacting and amending RCW 41.04.005; creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1939 by Representatives Linville, Newhouse, Hinkle and Pettigrew

AN ACT Relating to the minimum standards for construction and maintenance of wells; amending RCW 18.104.020, 18.104.043, 18.104.050, 18.104.055, 18.104.100, 18.104.120, and 18.104.190; and adding a new section to chapter 18.104 RCW.

Referred to Committee on Economic Development, Agriculture & Trade.

<u>HJM 4016</u> by Representatives Kretz, Ahern, Haler, Holmquist, Kristiansen, Serben, Newhouse and Orcutt

Petitioning for modifications to the federal Clean Water Act's citizen suit provisions.

Referred to Committee on Economic Development, Agriculture & Trade.

<u>HJR 4211</u> by Representatives Sommers, Jarrett, Simpson, Takko, Hinkle and Anderson

Authorizing consolidation or merging of statutory and constitutional county functions and structures.

Referred to Committee on Local Government.

<u>HJR 4212</u> by Representatives Sommers, Schindler, Simpson, Hinkle, Flannigan, Jarrett, Haler, Hankins, Clibborn and Shabro

Authorizing additional governance options for counties.

Referred to Committee on Local Government.

ESB 5049 by Senators Kohl-Welles, Benton, Fairley, Esser, Thibaudeau, Prentice, McAuliffe, Kline and Rockefeller

AN ACT Relating to disclosing information about mold in residential dwelling units; amending RCW 59.18.060; and creating a new section.

Referred to Committee on Housing.

SSB 5085 by Senate Committee on Transportation (originally sponsored by Senators Weinstein, Haugen, Jacobsen and Kline)

AN ACT Relating to child passenger restraint systems; and amending RCW 46.61.687.

Referred to Committee on Judiciary.

SSB 5161 by Senate Committee on Transportation (originally sponsored by Senators Eide and Swecker)

AN ACT Relating to accident reports; amending RCW 46.52.030 and 46.52.060; and providing an effective date.

Referred to Committee on Transportation.

by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Franklin and Sheldon)

AN ACT Relating to single burial use of multiple interment space; adding a new section to chapter 68.04 RCW; and adding a new section to chapter 68.24 RCW.

Referred to Committee on Commerce & Labor.

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

REPORTS OF STANDING COMMITTEES

HB 1033 Prime Sponsor, Representative Kirby: Regulating insurable interests and employer-owned life insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Santos; Schual-Berke; Simpson and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Newhouse; Serben and Strow.

Passed to Committee on Rules for second reading.

February 8, 2005

<u>HB 1061</u> Prime Sponsor, Representative Dunn: Allowing reimbursement limits under the mobile home relocation assistance act to be set by rule. Reported by Committee on Housing

MAJORITY recommendation: Do pass as amended. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Ormsby; Pettigrew and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Holmquist, Ranking Minority Member; Dunn, Assistant Ranking Minority Member; McCune and Schindler.

Passed to Committee on Rules for second reading.

February 9, 2005

HB 1106 Prime Sponsor, Representative Haigh: Modifying fire protection district property tax levies. Reported by Committee on Local Government

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

Referred to Committee on Finance.

February 9, 2005

HB 1137 Prime Sponsor, Representative Morrell: Modifying the scope of care provided by physical therapists. Reported by Committee on Health Care

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

MINORITY recommendation: Do not pass. Signed by Representatives Condotta; Hinkle and Schual-Berke.

Passed to Committee on Rules for second reading.

February 9, 2005

HB 1155 Prime Sponsor, Representative Upthegrove: Modifying county and city sales and use tax provisions. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; B. Sullivan and Takko.

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

Passed to Committee on Rules for second reading.

February 8, 2005

HB 1187 Prime Sponsor, Representative Dickerson: Eliminating mandatory minimum sentences for youthful offenders tried as adults. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Moeller, Vice Chairman; McDonald, Ranking Minority Member; Lovick and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Assistant Ranking Minority Member; Crouse.

Passed to Committee on Rules for second reading.

February 9, 2005

HB 1198 Prime Sponsor, Representative Linville: Regarding speech-language pathologists and audiologists. Reported by Committee on Health Care

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

Passed to Committee on Rules for second reading.

February 9, 2005

HB 1212 Prime Sponsor, Representative Upthegrove: Decriminalizing certain hunter reporting requirements. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; DeBolt; Dickerson; Eickmeyer; Hunt; Orcutt and Williams.

Referred to Committee on Appropriations.

February 8, 2005

HB 1247 Prime Sponsor, Representative Morris: Charging manufactured housing communities for water and sewer connections. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Holmquist, Ranking Minority Member; Dunn, Assistant Ranking Minority Member; McCune; Ormsby; Pettigrew; Schindler and Sells.

Passed to Committee on Rules for second reading.

February 9, 2005

<u>HB 1257</u> Prime Sponsor, Representative Roach: Providing an opportunity to reject motorcycle or motordriven cycle insurance coverage. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Newhouse; Santos; Schual-Berke; Serben; Simpson; Strow and Williams.

Passed to Committee on Rules for second reading.

February 8, 2005

Prime Sponsor, Representative Kagi: Revising provisions relating to public access to child in need of services and at-risk youth hearings. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Moeller, Vice Chairman; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse; Lovick and Roberts.

Passed to Committee on Rules for second reading.

February 9, 2005

<u>HB 1302</u> Prime Sponsor, Representative Kagi: Modifying burn ban triggers. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Blake; Dickerson; Eickmeyer; Hunt and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Kretz, Assistant Ranking Minority Member; DeBolt and Orcutt.

Passed to Committee on Rules for second reading.

February 8, 2005

HB 1373 Prime Sponsor, Representative Simpson: Imposing impact fees on manufactured housing communities. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Holmquist, Ranking Minority Member; Ormsby; Pettigrew; Schindler and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Dunn, Assistant Ranking Minority Member; McCune.

Passed to Committee on Rules for second reading.

February 9, 2005

Prime Sponsor, Representative Takko: Increasing the surcharge for the preservation of historical documents. Reported by Committee on Local Government

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

Referred to Committee on Finance.

February 9, 2005

<u>HB 1419</u> Prime Sponsor, Representative Kirby: Reserving state authority to regulate customer financial transactions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Newhouse; Santos; Schual-Berke; Serben; Simpson; Strow and Williams.

Passed to Committee on Rules for second reading.

February 9, 2005

HB 1492 Prime Sponsor, Representative Williams: Developing a single pilot mitigation bank on stateowned aquatic lands. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; DeBolt; Dickerson; Eickmeyer; Hunt; Orcutt and Williams.

Referred to Committee on Appropriations.

February 8, 2005

HB 1515 Prime Sponsor, Representative Murray: Expanding the jurisdiction of the human rights commission. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Hunt; McDermott and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Schindler and Sump.

February 9, 2005

HB 1528 Prime Sponsor, Representative Kirby: Changing the beginning date for the escrow accounts required of self-funded multiple employer welfare arrangements. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Newhouse; Santos; Schual-Berke; Serben; Simpson; Strow and Williams.

Referred to Committee on Appropriations.

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 except for HOUSE BILL NO. 1515 which was placed on the second reading calendar.

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

There being no objection, the Committee on Health Care was relieved of HOUSE BILL NO. 1773, and the bill was referred to the Committee on Appropriations.

There being no objection, the Committee on Natural Resources, Ecology & Parks was relieved of HOUSE BILL NO. 1892, and the bill was referred to the Committee on Transportation.

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., February 11, 2005, the 33rd Day of the Regular Session.

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