

FIFTY NINTH LEGISLATURE - REGULAR SESSION**FORTY THIRD DAY**

House Chamber, Olympia, Monday, February 21, 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 Kyle Kristiansen and Tess Nafziger. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Jim Erlandson, Community of Christ.

Jasmine Coates, granddaughter of House photographer LeMoyne Coates, sang "The Rose."

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2005-4626, by Representatives P. Sullivan, 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, Grant, Green, Haigh, 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, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Woods

WHEREAS, It is our responsibility to educate our children to be not only good students and workers, but also good citizens, parents, and leaders; and

WHEREAS, The House of Representatives welcomes children into the House Chamber every Presidents' Day so they may witness the legislative process; and

WHEREAS, Children need a first-hand look at their democracy because they, as voters and lawmakers, will soon take the reins of the state; and

WHEREAS, It is our duty to make good decisions to leave Washington state better than we found it, as our parents and grandparents worked hard to build the schools, roads, cities, and institutions that exist today; and

WHEREAS, We welcome to the House of Representatives the children here today, the high school students serving as

pages, and the college students working as interns, and we hope their experience here inspires them to stay informed and involved in their democracy;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and celebrate the children, youth, and students of Washington state; and

BE IT FURTHER RESOLVED, That the House of Representatives encourage all the citizens of Washington to celebrate children on Children's Day and throughout the year by spending more quality time with children and emphasizing their special place in our lives.

Representative P. Sullivan moved the adoption of the resolution.

Representatives P. Sullivan, Hinkle and Roberts spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4626 was adopted.

HOUSE RESOLUTION NO. 2005-4625, by Representatives Sells, 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, Grant, Green, Haigh, 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, Santos, Schindler, Schual-Berke, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Woods

WHEREAS, Washington is the only state named for an American president, George Washington, the father of our country, and as such we Washingtonians hold the presidency and presidents in special regard; and

WHEREAS, For many years our state and nation have set aside the third Monday in February to celebrate Presidents' Day, which honors former presidents of the United States of America; and

WHEREAS, Both February 12th, the actual birthday of President Abraham Lincoln, and February 22nd, the actual birthday of President George Washington, were kept and observed, until nineteen seventy-one, as the anniversaries of the births of these two great American presidents; and

WHEREAS, Presidents' Day for many citizens remains a time for specifically honoring the accomplishments of Washington, the first American president, and Lincoln, the sixteenth American president; and

WHEREAS, Even until his death in seventeen ninety-nine, George Washington's birthday was actually celebrated by many of his fellow citizens on February 11th because colonial America at the time of his birth in seventeen thirty-two was still using the Julian, "Old Style" calendar, instead of the Gregorian, "New Style" calendar; and

WHEREAS, The designation of February 22nd as President Washington's birthday came to pass because the Gregorian calendar added eleven days to the old date to make the calendar year line up with the astronomical year; and

WHEREAS, It was in nineteen sixty-eight that federal legislation, the "Monday Holidays Act," was passed to install the Presidents' Day celebration that we have come to know and respect; and

WHEREAS, Although traditionalists cling to the notion that Presidents' Day remains a time for celebrating the specific legacies of Presidents Washington and Lincoln, nontraditionalists are very welcome to embrace the fact that former Presidents John Adams, Thomas Jefferson, John Quincy Adams, Martin Van Buren, Andrew Johnson, Ulysses Grant, James Garfield, and Teddy Roosevelt, as well as the presidents of later decades, are honored in a good many National Park Service commemorations; and

WHEREAS, In nineteen eighty-five the Washington State Legislature singled out the third Monday in February as a day for commemorating the births of Presidents Washington and Lincoln; and

WHEREAS, In anticipatory celebration of this diverse, wonderful land of ours, which has been fashioned into a priceless, multicultural quilt, thanks to the children of scores of the world's nations, almost a fifth of our forty-three American presidents, the first eight presidents, did not start out in life as Americans because there was no America when they were born; and

WHEREAS, No Presidents' Day celebration would be complete without appropriate recognition for the invaluable service of the First Ladies in our American presidential history; and

WHEREAS, The term "First Lady" was first used in eighteen seventy-seven in describing the nonelected but very important "public office" held by Lucy Ware Webb Hayes, the wife of our nineteenth president, Rutherford B. Hayes;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington salute and celebrate Presidents' Day 2005, a time for recognizing and paying tribute to the tireless dedication of our former presidents; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Office of the Superintendent of Public Instruction for effective distribution among the schools of the state of Washington to help

strengthen the knowledge of our presidents on the part of our young people, any one of whom could in fact grow up to be President.

Representative Sells moved the adoption of the resolution.

Representatives Sells and Haler spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4625 was adopted.

HOUSE RESOLUTION NO. 2005-4605, By Representatives DeBolt and Woods

WHEREAS, Rotary International, founded on February 23, 1905, in Chicago, Illinois, is the world's first and one of the largest nonprofit service organizations; and

WHEREAS, There are over 1.2 million Rotary club members comprised of professional and business leaders in over 31,000 clubs in more than 165 countries; and

WHEREAS, The Rotary motto "Service Above Self" inspires members to provide humanitarian service, encourage high ethical standards, and promote goodwill and peace in the world; and

WHEREAS, Rotary funds club projects and sponsors volunteers with community expertise to provide medical supplies, health care, clean water, food production, job training, and education to millions in need, particularly in developing countries; and

WHEREAS, Rotary in 1985 launched Polio Plus and spearheaded efforts with the World Health Organization, the United States Centers for Disease Control and Prevention, and UNICEF to immunize the children of the world against polio; and

WHEREAS, Polio cases have dropped by 99 percent since 1988 and the world stands on the threshold of eradicating the disease; and

WHEREAS, Rotary is the world's largest privately funded source of international scholarships and promotes international understanding through scholarships, exchange programs, and humanitarian grants; and

WHEREAS, More than 35,000 students from 110 countries have studied abroad since 1947 as Rotary Ambassadorial Scholars; and

WHEREAS, Rotary's Group Study Exchange Program has helped more than 46,000 young professionals explore their career fields in other countries; and

WHEREAS, 8,000 secondary-school students each year experience life in another country through Rotary's Youth Exchange Program; and

WHEREAS, There are over 12,000 Rotary club members in more than 190 clubs throughout this state sponsoring service projects to address such critical issues as poverty, health, hunger, illiteracy, and the environment in their local communities and abroad;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives encourage all citizens to join in recognizing Rotary International for 100 years of service to improving the human condition in local communities around the world.

Representative DeBolt moved the adoption of the resolution.

Representatives DeBolt and Kessler spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4605 was adopted.

The Speaker assumed the chair.

MESSAGE FROM THE SENATE

February 18, 2005

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5097,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5151,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

SUBSTITUTE SENATE BILL NO. 5097,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5151,

The Speaker called upon Representative Lovick to preside.

INTRODUCTION & FIRST READING

HB 2137 by Representatives Sommers, Walsh, Darneille, Anderson, Chase, Dickerson, Ericks, Roberts, Conway, Linville, Kenney and O'Brien; by request of Office of Financial Management

AN ACT Relating to funding for crime victims' compensation; adding new sections to 2003 1st sp.s. c 25 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2138 by Representatives Haigh, Nixon, Miloscia, O'Brien, McDermott, Lovick, Hunt, Clements and Ericks

AN ACT Relating to limiting access to public records by persons convicted of a gross misdemeanor or a felony; and reenacting and amending RCW 42.17.310.

Referred to Committee on State Government Operations & Accountability.

HB 2139 by Representatives Schindler, Bailey, Crouse, Ahern, Holmquist, Sump, McDonald, Serben, Haler, Hinkle, Pearson, Condotta, Kretz, Roach, Dunn, Campbell, Kristiansen, McCune and Nixon

AN ACT Relating to requiring parental consent for instruction in the common schools relating to sex education or sexual conduct; amending RCW 28A.230.070; and adding a new section to chapter 28A.230 RCW.

Referred to Committee on Education.

HB 2140 by Representatives Pettigrew, Darneille, Ormsby, Chase, Ericks, Dunn, Wood, O'Brien and Santos

AN ACT Relating to housing trust fund loans; amending RCW 43.185.050 and 43.185A.030; adding new sections to chapter 43.185 RCW; adding a new section to chapter 43.185A RCW; and providing an effective date.

Referred to Committee on Housing.

HB 2141 by Representative Miloscia

AN ACT Relating to the determination of "vendors in good standing" by the governor's committee on disability issues and employment; amending RCW 50.40.065 and 50.40.066; and providing expiration dates.

Referred to Committee on State Government Operations & Accountability.

HB 2142 by Representatives Sells, McCoy, Dunshee, B. Sullivan, Lovick and Chase

AN ACT Relating to creating a new institution of higher education in northern Snohomish county; amending RCW 28A.600.300, 28B.10.016, 28B.10.020, 28B.10.022, 28B.10.025, 28B.10.050, 28B.10.140, 28B.10.265, 28B.10.280, 28B.10.300, 28B.10.350, 28B.10.400, 28B.10.401, 28B.10.405, 28B.10.407, 28B.10.410, 28B.10.415, 28B.10.417, 28B.10.420, 28B.10.485, 28B.10.487, 28B.10.500, 28B.10.550, 28B.10.560, 28B.10.567, 28B.15.628, 28B.15.725, 28B.15.730, 28B.15.740, 28B.15.750, 28B.15.756, 28B.15.820, 28B.15.910, 28B.15.915, 28B.35.370, 28B.35.700, 28B.35.710, 28B.35.790, 28B.40.010, 28B.65.030,

28B.76.020, 28B.76.100, 28B.110.020, 34.05.010, 39.19.020, 39.90.060, 40.04.040, 40.04.090, 40.06.040, 41.04.340, 41.06.020, 41.40.108, 41.56.030, 41.76.005, 41.80.005, 43.19.450, 43.41.040, 43.79.150, 43.84.092, 43.88.195, 46.63.040, and 82.12.0264; reenacting and amending RCW 42.17.2401 and 43.84.092; adding a new chapter to Title 28B RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Higher Education.

HB 2143 by Representatives B. Sullivan, Ericks, Campbell, Sells, Conway, O'Brien and Grant

AN ACT Relating to the small business incubator program; and amending RCW 43.176.030.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2144 by Representatives Williams, Conway, Hudgins, Chase and Hunt

AN ACT Relating to requiring state agencies to contract for services in a manner consistent with the state's best interests; amending RCW 39.29.008, 41.06.142, and 43.19.1911; adding a new section to chapter 39.29 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2145 by Representatives Roach, Buck, Kristiansen, Grant and Blake

AN ACT Relating to sales tax on fish caught at a private fishing facility; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Finance.

HB 2146 by Representatives Grant, Buck, Kretz, Holmquist, Kristiansen and Buri

AN ACT Relating to private sector cultured aquatic products; and amending RCW 15.85.020.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2147 by Representatives Linville, Kristiansen, Grant, Kretz and Holmquist

AN ACT Relating to sales tax on privately produced trout; amending RCW 77.18.050; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Finance.

HB 2148 by Representatives Pettigrew, McCoy, Ormsby, Chase, Haigh, O'Brien and Santos

AN ACT Relating to tribal foster care licensing; and amending RCW 74.15.190.

Referred to Committee on Children & Family Services.

HB 2149 by Representatives Curtis, Haler, Armstrong, Wallace, Tom, Rodne, Walsh, Strow, Condotta, Schindler, Anderson, Kristiansen, Cox, Buck, Williams, Moeller, Chase, Campbell, Linville, Buri and Ahern

AN ACT Relating to compensation for state employees on active military duty; amending RCW 38.40.060; reenacting and amending RCW 43.79A.040; and adding new sections to chapter 38.40 RCW.

Referred to Committee on State Government Operations & Accountability.

HB 2150 by Representatives Curtis, Moeller, Orcutt, Walsh, Schindler and Wallace

AN ACT Relating to modifying urban growth areas to accommodate transportation facilities; and amending RCW 36.70A.110.

Referred to Committee on Local Government.

HB 2151 by Representatives Kretz, Blake, Haler, Rodne, Pettigrew, Buri, Grant, Newhouse, Dunn, Serben, DeBolt, Cox, Holmquist, Kristiansen, Schindler and Anderson

AN ACT Relating to urban creeks; and adding a new chapter to Title 35 RCW.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2152 by Representatives Roach, Santos, Shabro, Anderson, Dunn, Rodne, Ormsby and Haigh

AN ACT Relating to the financial literacy public-private partnership; amending RCW 28A.300.455 and 28A.300.460; adding a new section to chapter 28A.230 RCW; making appropriations; and declaring an emergency.

Referred to Committee on Education.

HB 2153 by Representatives Moeller, McCoy, Roberts, McCune and Chase

AN ACT Relating to at-risk youth proceedings; and amending RCW 13.32A.030 and 13.32A.250.

Referred to Committee on Juvenile Justice & Family Law.

HB 2154 by Representatives Pettigrew, Ormsby, Chase, Ericks, Roberts and Wood

AN ACT Relating to additional protections for domestic violence victims; and amending RCW 10.99.040.

Referred to Committee on Juvenile Justice & Family Law.

HB 2155 by Representatives Lantz and Shabro; by request of Secretary of State

AN ACT Relating to state publication preservation by state library services within the office of the secretary of state; amending RCW 27.04.045, 40.06.010, 40.06.020, 40.06.030, 40.06.040, 40.06.050, 40.07.020, and 40.07.030; and creating a new section.

Referred to Committee on State Government Operations & Accountability.

HB 2156 by Representatives Hinkle, Kagi, Nixon, Pettigrew, McDonald, Dickerson, Pearson, Springer and Rodne

AN ACT Relating to dependency and termination of parental rights; amending RCW 13.34.138, 13.34.145, 13.34.132, and 13.34.190; and creating new sections.

Referred to Committee on Children & Family Services.

HB 2157 by Representatives Murray, Simpson, B. Sullivan, Dickerson, Sells, Ericks, McIntire and Conway

AN ACT Relating to authorizing the financing of regional transportation improvements by counties; amending RCW 81.104.140, 81.100.030, 81.100.060, 81.100.080, 82.14.430, 82.80.005, 82.80.010, 82.80.070, 82.80.100, 82.80.110, 82.80.120, 47.56.075, and 47.56.076; adding a new section to chapter 47.80 RCW; adding new sections to chapter 82.80 RCW; adding a new section to chapter 47.56 RCW; adding a new chapter to Title 36 RCW; creating new sections; and repealing RCW 36.120.010, 36.120.020, 36.120.030, 36.120.040, 36.120.050, 36.120.060, 36.120.070, 36.120.080, 36.120.090, 36.120.100, 36.120.110, 36.120.120, 36.120.130, 36.120.140, 36.120.150, 36.120.160, 36.120.170, 36.120.180, 36.120.190, 36.120.200, 36.120.900, and 36.120.901.

Referred to Committee on Transportation.

HB 2158 by Representatives Nixon, Schindler, Clements, Sump, Anderson, Walsh, Jarrett, Rodne, Skinner, McDonald, Woods, Serben, Shabro, Kristiansen, Newhouse, Talcott and Holmquist

AN ACT Relating to elections; amending RCW 29A.24.050, 42.17.710, 29A.08.010, 29A.08.140, 29A.08.520, 29A.40.091, 29A.44.201, 29A.08.625, 29A.84.140, and 29A.84.650; reenacting and amending RCW 29A.04.310; adding new sections to chapter 29A.08 RCW; adding new sections to chapter 29A.36 RCW; adding a new section to chapter 29A.84 RCW; adding new sections to chapter 29A.60 RCW; repealing RCW 29A.08.145; and prescribing penalties.

Referred to Committee on State Government Operations & Accountability.

HB 2159 by Representatives Grant, Newhouse, Hankins, Linville, Holmquist and Haler

AN ACT Relating to sufficient cause for nonuse of water; and reenacting and amending RCW 90.14.140.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2160 by Representatives Condotta and Kristiansen

AN ACT Relating to awarding costs to an employer who prevails in an administrative appeal; and adding a new section to chapter 49.17 RCW.

Referred to Committee on Commerce & Labor.

HB 2161 by Representatives Hasegawa and Chase

AN ACT Relating to creating a legislative task force to study telecommunications and information technology; creating a new section; and providing an expiration date.

Referred to Committee on Technology, Energy & Communications.

HB 2162 by Representatives Curtis, O'Brien, Haler, P. Sullivan, Anderson, Miloscia, McCune, Strow, Lovick, Cox, Sells, Campbell and Rodne

AN ACT Relating to creating the retired law enforcement officer and fire fighter retirement system plan 2 retiree medical board; amending RCW 41.05.011, 41.04.208, 41.05.022, 41.05.080, 41.05.120, and 41.50.067; reenacting and amending RCW 43.79A.040; adding new sections to chapter 41.26 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2163 by Representatives Ormsby, Holmquist, Miloscia, Williams, Flannigan, Chase, Dickerson, Sells, Ericks, Dunn, Wood, Green, Linville, Springer, Pettigrew, Kenney, O'Brien, Santos, Kagi, Fromhold and Schual-Berke

AN ACT Relating to preventing and ending homelessness in the state of Washington; amending RCW 36.22.178 and 36.18.010; adding new sections to chapter 36.22 RCW; adding a new chapter to Title 43 RCW; and providing an effective date.

Referred to Committee on Housing.

HB 2164 by Representatives Kagi and Dickerson

AN ACT Relating to liability arising from acts or omissions of department of social and health services' workers; adding new sections to chapter 43.20A RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2165 by Representatives Kagi, Dunshee, Hankins and O'Brien

AN ACT Relating to requiring the projected costs of certain criminal justice legislation to be appropriated into accounts to be used for capital costs; adding a new section to chapter 43.88A RCW; adding a new section to chapter 43.132 RCW; adding a new section to chapter 43.330 RCW; adding new sections to chapter 43.79 RCW; and adding a new section to chapter 43.135 RCW.

Referred to Committee on Capital Budget.

HB 2166 by Representatives Newhouse, Linville, Kristiansen, Hankins, Grant, Holmquist and Haler

AN ACT Relating to the joint legislative committee on water supply during drought; adding a new chapter to Title 90 RCW; and declaring an emergency.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2167 by Representatives Newhouse, Hasegawa, Williams, Chase, Roach, Hankins and Haler

AN ACT Relating to disclosure of permitting requirements for alterations of manufactured homes; and amending RCW 43.22.432.

Referred to Committee on Commerce & Labor.

HB 2168 by Representatives Newhouse, Kristiansen, Hankins, Holmquist and Haler

AN ACT Relating to eliminating the partial relinquishment of water rights; and amending RCW 90.14.130, 90.14.160, 90.14.170, and 90.14.180.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2169 by Representatives Walsh, Grant, Buri, Cox and Haler

AN ACT Relating to licensing of family day care; reenacting and amending RCW 74.15.030; and adding a new section to chapter 74.15 RCW.

Referred to Committee on Children & Family Services.

HB 2170 by Representatives Springer, Dunshee, Clibborn and Morrell

AN ACT Relating to including a portion of the real estate excise tax as general state revenue; amending RCW 82.45.180; and creating a new section.

Referred to Committee on Capital Budget.

HB 2171 by Representatives Springer, Simpson, Takko, Ericks and Clibborn

AN ACT Relating to allowing counties and cities one additional year to comply with the requirements of RCW 36.70A.130; amending RCW 36.70A.130; and providing an effective date.

Referred to Committee on Local Government.

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

REPORTS OF STANDING COMMITTEES

February 17, 2005

HB 1011 Prime Sponsor, Representative Morris: Adopting distributed generation interconnection procedures. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Ericks; Hudgins; P. Sullivan; Takko and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representatives Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Nixon and Sump.

Passed to Committee on Rules for second reading.

February 17, 2005
HB 1012 Prime Sponsor, Representative Morris: Regulating computer spyware. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

Passed to Committee on Rules for second reading.

February 16, 2005
HB 1084 Prime Sponsor, Representative Dunshee: Authorizing limited recreational activities, playing fields, and supporting facilities existing before January 1, 2004, on designated recreational lands in jurisdictions planning under RCW 36.70A.040. Reported by Committee on Local Government

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

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

Passed to Committee on Rules for second reading.

February 16, 2005
HB 1127 Prime Sponsor, Representative B. Sullivan: Changing bidding requirements for wastewater projects. 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; Tom, Assistant Ranking Minority Member; Santos; Schual-Berke; Simpson; Strow and Williams.

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

Passed to Committee on Rules for second reading.

February 17, 2005
HB 1185 Prime Sponsor, Representative Morrell: Prohibiting disclosure of personal wireless numbers. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

Passed to Committee on Rules for second reading.

February 16, 2005
HB 1226 Prime Sponsor, Representative Schual-Berke: Adjusting application of campaign contribution limits. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill 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.

Referred to Committee on Appropriations.

February 16, 2005
HB 1270 Prime Sponsor, Representative Curtis: Suspending a retirement allowance upon reemployment. Reported by Committee on Appropriations

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

Passed to Committee on Rules for second reading.

February 17, 2005

HB 1286 Prime Sponsor, Representative Cody: Creating the medical flexible spending account. Reported by Committee on Appropriations

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

Passed to Committee on Rules for second reading.

February 16, 2005

HB 1287 Prime Sponsor, Representative Cody: Authorizing the health care authority to receive a federal employer subsidy for continuing to provide a pharmacy benefit to retirees. Reported by Committee on Appropriations

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

Passed to Committee on Rules for second reading.

February 16, 2005

HB 1319 Prime Sponsor, Representative Conway: Survivor benefits for ex spouses in the law enforcement officers' and fire fighters' retirement system, plan 1. Reported by Committee on Appropriations

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

Passed to Committee on Rules for second reading.

February 16, 2005

HB 1343 Prime Sponsor, Representative P. Sullivan: Providing a life insurance policy for national guard members called to active duty. Reported

by Committee on State Government Operations & Accountability

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

Referred to Committee on Appropriations.

February 16, 2005

HB 1457 Prime Sponsor, Representative Haigh: Creating the military department capital account and rental and lease account. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; McDermott; Miloscia; Schindler and Sump.

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

Referred to Committee on Capital Budget.

February 16, 2005

HB 1531 Prime Sponsor, Representative Moeller: Limiting the waiver of counsel in juvenile proceedings. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Moeller, Vice Chairman; Lovick and Roberts.

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

Passed to Committee on Rules for second reading.

February 17, 2005

HB 1539 Prime Sponsor, Representative Linville: Making it a crime to excavate without notification near a transmission pipeline. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice

Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

Dunn, Assistant Ranking Minority Member; McCune and Schindler.

Passed to Committee on Rules for second reading.

Referred to Committee on Capital Budget.

February 17, 2005
HB 1547 Prime Sponsor, Representative Miloscia: Expanding programs eligible for housing assistance grants and loans. Reported by Committee on Housing

February 17, 2005
HB 1583 Prime Sponsor, Representative Hunt: Making available relocation assistance payments to tenants. Reported by Committee on Housing

MAJORITY recommendation: Do pass as amended:

MAJORITY recommendation: Do pass as amended:

On page 1, after line 3, insert the following:

On page 2, line 24, after "(3)" insert "(a)"

"Sec. 1. RCW 43.185.060 and 1994 c 160 s 2 are each amended to read as follows:

On page 2, line 29, after "tenants" insert "except that:

Organizations that may receive assistance from the department under this chapter are local governments, local housing authorities, regional support networks established under chapter 71.24 RCW, nonprofit community or neighborhood-based organizations, federally recognized Indian tribes in the state of Washington, and regional or statewide nonprofit housing assistance organizations.

(i) A landlord shall not be required to pay relocation assistance to any displaced tenant in a case in which the condemnation or no occupancy order for the dwelling unit results from conditions arising from a tenant's or another third party's illegal conduct without the landlord's knowledge; and

Eligible organizations must have an organizational quality management system equivalent to the Malcolm Baldrige national quality program in place by July, 2007.

(ii) A landlord shall not be required to pay relocation assistance to any displaced tenant in a case in which the condemnation or no occupancy order for the dwelling unit results from conditions arising from a natural disaster such as an earthquake, wind storm, or hurricane, or after a fire in the dwelling"

Organizations that receive assistance from the department, as well as any identified subcontractors, must commit to pay, to all employees, hourly wages that are at least equal to or greater than \$7.85 for all work performed in 2005. In succeeding years, this minimum hourly wage shall increase as follows:

On page 2, line 30, strike "(a)" and insert "(b)"

- (1) \$8.35 in 2006;
- (2) \$8.85 in 2007;
- (3) \$9.35 in 2008;
- (4) \$9.85 in 2009;
- (5) \$10.35 in 2010;
- (6) \$10.85 in 2011;
- (7) \$11.35 in 2012;
- (8) \$11.85 in 2013;
- (9) \$12.35 in 2014; and
- (10) \$12.85 in 2015.

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

Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Ormsby; Pettigrew and Sells.

In each year after 2015, hourly wages that must be paid by organizations receiving assistance from the department, as well as identified subcontractors, are to be computed by determining the annual percentage wage increase for the preceding year and increasing the wage paid in the preceding year by that amount.

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

Eligibility for assistance from the department under this chapter also requires compliance with the revenue and taxation laws, as applicable to the recipient, at the time the grant is made."

Passed to Committee on Rules for second reading.

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

February 17, 2005
HB 1623 Prime Sponsor, Representative Sommers: Establishing the life sciences discovery fund. Reported by Committee on Technology, Energy & Communications

Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Ormsby; Pettigrew and Sells.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Holmquist, Ranking Minority Member;

Referred to Committee on Appropriations.

February 16, 2005

HB 1660 Prime Sponsor, Representative Moeller: Expanding the definition of "at-risk youth." Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Moeller, Vice Chairman; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse; Lovick and Roberts.

Referred to Committee on Appropriations.

February 15, 2005

HB 1708 Prime Sponsor, Representative Lovick: Regarding dropout prevention. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Santos; Shabro and Tom.

Passed to Committee on Rules for second reading.

February 15, 2005

HB 1716 Prime Sponsor, Representative Roach: Waiving certain underinsured motorist property damage coverage. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; Santos; Schual-Berke; Serben; Simpson; Strow and Williams.

Passed to Committee on Rules for second reading.

February 17, 2005

HB 1742 Prime Sponsor, Representative Clibborn: Providing tax incentives for certain multiple-unit dwellings in urban centers. Reported by Committee on Housing

MAJORITY recommendation: Do pass as amended:

On page 2, after line 30, insert the following:

"**NEW SECTION. Sec. 2.** The department of revenue shall report biennially on the performance of the new and rehabilitated multiple-unit dwelling tax exemption program to the housing committee of the house of representatives and the financial

institutions, housing and consumer protection committee of the senate, or their equivalent committees. The report shall consist of, at a minimum, the number and names of towns participating in the tax exemption program, the number of projects participating in the program, the number of new housing units created, the number of rehabilitated housing units created, the number of affordable housing units created, a statement of occupancy and vacancy of the rehabilitated or newly constructed property during the previous biennium, and the amount of local property taxes exempted through the program."

Correct the title.

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

Referred to Committee on Finance.

February 16, 2005

HB 1805 Prime Sponsor, Representative P. Sullivan: Modifying provisions of the linked deposit program. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; Santos; Schual-Berke; Serben; Simpson; Strow and Williams.

Referred to Committee on Finance.

February 16, 2005

HB 1821 Prime Sponsor, Representative Kagi: Modifying the heating oil pollution liability protection act. 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; Tom, Assistant Ranking Minority Member; Newhouse; Santos; Schual-Berke; Serben; Simpson; Strow and Williams.

Passed to Committee on Rules for second reading.

February 17, 2005

HB 1888 Prime Sponsor, Representative Nixon: Regulating electronic mail fraud. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed

by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

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.

SECOND READING

HOUSE JOINT RESOLUTION NO. 4205, By Representatives Schual-Berke, Haigh, Jarrett, Quall, Tom, Hunter, Hunt, Fromhold, Chase, Appleton, Darneille, Williams, Clibborn, McDermott, Simpson, P. Sullivan, Dickerson, O'Brien, Wood, Sells, Roberts, Green, Conway, Hudgins, Kirby, Kenney, McIntire, Dunshee, Hasegawa, Linville, Santos, Kagi, Ormsby, Lantz, Moeller and Blake

Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy.

The joint resolution was read the second time.

On motion of Representative Quall, Substitute House Joint Resolution No. 4205 was substituted for House Joint Resolution No. 4205 and the substitute joint resolution was placed on the second reading calendar.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4205 was read the second time.

Representative Orcutt moved the adoption of amendment (039):

On page 2, line 29, after "proposition" insert "if the levy rate is equal to or less than the levy rate of the existing levy"

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

Representative Takko spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (040):

On page 2, line 29, after "proposition" insert "if the amount of the requested levy is equal to or less than the amount of the existing levy"

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

Representative P. Sullivan spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Clements moved the adoption of amendment (042):

On page 2, line 29, after "proposition" insert ": Provided further, that voters qualified to vote on a proposition under this subsection to levy an additional tax for a school district includes nonresident owners or reputed owners of real property located within the school district as listed on the assessor's tax rolls"

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

Representative Hunter spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Pearson moved the adoption of amendment (043):

On page 2, line 29 after "proposition" insert "if the proposition is approved at a general election"

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

Representative Schual-Berke spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Schual-Berke, Haigh and Talcott spoke in favor of passage of the joint resolution.

POINT OF INQUIRY

Representative Armstrong:

SPEAKER'S RULING

The Speaker (Representative Lovick presiding):

Representatives P. Sullivan, Quall and Tom spoke in favor of passage of the joint resolution.

Representatives Orcutt, Nixon, Clements and Cox spoke against the passage of the joint resolution.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Joint Resolution No. 4205.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Resolution No. 4205 and the bill passed the House by the following vote: Yeas - 73, Nays - 25, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Campbell, Chase,

Clibborn, Cody, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 73.

Voting nay: Representatives Ahern, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Dunn, Haler, Hinkle, Holmquist, Kretz, Kristiansen, McCune, Newhouse, Nixon, Orcutt, Pearson, Roach, Schindler, Serben, Strow, Sump and Woods - 25.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4205, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., February 22, 2005, the 44th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

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