

## FIFTY NINTH LEGISLATURE - REGULAR SESSION

## TWELFTH DAY

House Chamber, Olympia, Friday, January 20, 2006

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 Tarin Alford and Daniel Zapotocky. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Anthony Irving, St. Benedict's Episcopal Church, Lacey.

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

**MESSAGE FROM THE SENATE**

January 18, 2006

Mr. Speaker:

The Senate has passed ~~SECOND ENGROSSED SENATE BILL NO. 5714~~, and the same is herewith transmitted.

Thomas Hoemann

The Speaker assumed the chair.

**INTRODUCTION & FIRST READING**

HB 3071 by Representatives Hinkle, Walsh, Pettigrew, O'Brien and McDonald

AN ACT Relating to a study to review the age of consent in Washington; and creating a new section.

Referred to Committee on Judiciary.

HB 3101 by Representatives Buri, Grant, Newhouse, Linville and Kretz

AN ACT Relating to water policy in regions with regulated reductions in aquifer levels; adding a new section to chapter 90.44 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3102 by Representatives B. Sullivan, Buck, Appleton, Eickmeyer, Pearson, Campbell and Hasegawa

AN ACT Relating to geoduck harvesting; amending RCW 77.65.410; and declaring an emergency.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 3103 by Representatives Hunt, Williams, Upthegrove, Anderson, Hasegawa, Ormsby and Simpson

AN ACT Relating to authorizing state employees to express their professional opinions and use their independent professional judgments; adding new sections to chapter 42.52 RCW; and creating a new section.

Referred to Committee on State Government Operations & Accountability.

HB 3104 by Representatives Strow, B. Sullivan, Ormsby and Simpson

AN ACT Relating to imposing a fee on athletes of nonresident teams to replace state park user fees and fund football, baseball, and basketball facilities; amending RCW 82.14.0485, 82.14.0494, and 79A.05.070; adding a new section to chapter 82.32 RCW; adding a new section to chapter 35.21 RCW; adding a new chapter to Title 82 RCW; and providing an effective date.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3105 by Representatives Hunt and Williams

AN ACT Relating to noise problems from off-road and all-terrain vehicles; amending RCW 70.107.010, 70.107.050, and 70.107.060; adding new sections to chapter 70.107 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 3106 by Representatives Kenney, Buri, Cox, McIntire and Ericks

AN ACT Relating to work performed by institutions of higher education; and amending RCW 28B.10.350.

## JOURNAL OF THE HOUSE

Referred to Committee on State Government Operations & Accountability.

HB 3107 by Representatives Williams, Quall, Appleton, Morrell, Hasegawa, Campbell, Simpson, Upthegrove, Sells, Lantz, Hudgins, Chase, Ormsby and Roberts

AN ACT Relating to exposure to depleted uranium and other hazardous materials by members and veterans of the national guard; creating new sections; and providing an expiration date.

Referred to Committee on State Government Operations & Accountability.

HB 3108 by Representatives Santos, Darneille, McDermott, Haigh, Simpson, Hasegawa, Upthegrove, Hunt, Hudgins, Kessler and Roberts

AN ACT Relating to recruiters' access to high school students; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

HB 3109 by Representatives Miloscia, Morrell and O'Brien; by request of Governor Gregoire

AN ACT Relating to government performance and accountability; amending RCW 43.09.430, 43.09.435, 43.09.450, 43.09.455, and 43.09.460; adding new sections to chapter 43.41 RCW; adding a new section to chapter 44.28 RCW; creating a new section; recodifying RCW 43.09.430, 43.09.435, 43.09.455, 43.09.460, and 43.09.450; and repealing RCW 43.09.440, 43.09.445, and 43.88.162.

Referred to Committee on State Government Operations & Accountability.

HB 3110 by Representatives Roberts, Darneille, Kagi, Walsh, Pettigrew, Kenney, Green, Hasegawa, Appleton and Ormsby

AN ACT Relating to expanding parenting provisions in the WorkFirst program; and amending RCW 74.08A.270.

Referred to Committee on Children & Family Services.

HB 3111 by Representative Appleton

AN ACT Relating to traffic infractions involving rental vehicles; and amending RCW 46.63.073.

Referred to Committee on Transportation.

HB 3112 by Representatives O'Brien, Orcutt, Rodne, Kilmer, Lovick, Haler, Sells, Talcott, McCoy, Kessler, Ericks, Linville, Kristiansen, Springer, McCune, McDonald, Strow, Dunn, Schindler, Simpson and Roberts

AN ACT Relating to small business tax relief; amending RCW 82.32.045; adding a new section to chapter 82.04 RCW; creating a new section; repealing RCW 82.04.4451; and providing an effective date.

Referred to Committee on Finance.

HB 3113 by Representatives Sells, Kenney, Strow, McCoy, Haler, Dunshee, B. Sullivan, Lovick, Roberts and Hasegawa

AN ACT Relating to expanding access to higher education in north Snohomish, Island, and Skagit counties using the university center model; creating a new section; making an appropriation; and providing an effective date.

Referred to Committee on Higher Ed & Workforce Ed.

HB 3114 by Representatives Murray and Dunn

AN ACT Relating to a sales and use tax exemption for recovered wood waste boiler equipment used in steam production; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 3115 by Representatives Darneille, Talcott, Morrell, Green, McDonald, Ormsby, Simpson and Roberts

AN ACT Relating to establishing a foster parent critical support and retention program; creating new sections; and making an appropriation.

Referred to Committee on Children & Family Services.

HB 3116 by Representatives Hudgins, Nixon, Anderson, Kessler and Dunn

AN ACT Relating to streamlining Washington state's technology efforts; adding a new section to chapter 28B.38 RCW; adding a new section to chapter 28B.20 RCW; adding a new section to chapter 28B.30 RCW; and adding a new section to chapter 43.21F RCW.

Referred to Committee on Technology, Energy & Communications.

HB 3117 by Representatives O'Brien, Clements, Lovick, Quall and Ericks

AN ACT Relating to record checks for employees; and amending RCW 28A.400.303.

Referred to Committee on Education.

HB 3118 by Representatives O'Brien, Clements, Lovick, Dickerson, Darneille and Ericks

AN ACT Relating to reporting requirements for criminal history record information; and amending RCW 43.43.700, 43.43.705, 43.43.715, 43.43.725, 43.43.730, 43.43.735, 43.43.740, and 43.43.810.

Referred to Committee on Criminal Justice & Corrections.

HB 3119 by Representatives McCoy, Pettigrew, Wallace and Blake

AN ACT Relating to a study of the top ten United States of America biotechnology and biomedical device business clusters by the joint legislative audit and review committee; and adding a new section to chapter 44.28 RCW.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3120 by Representatives Lantz, Priest, Kirby and Williams

AN ACT Relating to notice requirements for tort claims against state and local governments and their officers, employees, or volunteers; and amending RCW 4.92.100, 4.92.110, and 4.96.020.

Referred to Committee on Judiciary.

HB 3121 by Representative Chase

AN ACT Relating to authorizing a population sustainability element for comprehensive plans under the growth management act; and amending RCW 36.70A.080.

Referred to Committee on Local Government.

HB 3122 by Representatives Kagi, Walsh, Dickerson, Darneille, Ericks, Ormsby and Roberts

AN ACT Relating to the safety of child protective, child welfare, and adult protective services workers; amending RCW 9A.46.110; adding a new section to chapter 74.04 RCW; and creating a new section.

Referred to Committee on Children & Family Services.

HB 3123 by Representative Simpson

AN ACT Relating to modifying annexation requirements for unincorporated island territories; and amending RCW 35.13.182, 35.13.1821, 35A.14.295, and 35A.14.299.

Referred to Committee on Local Government.

HB 3124 by Representatives B. Sullivan, Appleton, McDermott, Roberts and Kessler

AN ACT Relating to a state distribution to cities and counties to mitigate the costs of state ferry traffic at route terminals; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Transportation.

HB 3125 by Representatives Kilmer, Crouse, Hudgins, Morris, Ericks, Takko, Haler, Hankins, P. Sullivan, Morrell and Anderson

AN ACT Relating to the study of the benefits and applications of radio frequency identification, video, or other technologies; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 3126 by Representatives Dunn, Miloscia, Pettigrew, Campbell, Fromhold, Conway, Orcutt, McCune, Kretz and Ahern

AN ACT Relating to solid waste and recyclable materials collection ordinances; amending RCW 35.21.130; and adding a new section to chapter 35A.21 RCW.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 3127 by Representatives Santos, Hasegawa, McCoy, P. Sullivan, McDermott, Upthegrove, Pettigrew and Morrell

AN ACT Relating to education; amending RCW 28A.300.130, 28A.300.135, and 42.56.240; adding a new chapter to Title 43 RCW; creating a new section; recodifying RCW 28A.300.130, 28A.300.135, 28A.300.290, and 28A.300.300; and providing an effective date.

Referred to Committee on Education.

HB 3128 by Representatives Kenney, Hankins, Conway, Chandler, Wood, Condotta, Newhouse and Springer

AN ACT Relating to the relationship between liquor manufacturers, importers, or distributors and nonprofit organizations holding a liquor license; amending RCW 66.24.375; and reenacting and amending RCW 66.28.010.

Referred to Committee on Commerce & Labor.

HJR 4221 by Representatives O'Brien, Kagi and Darneille

Amending the constitutional provision on inmate labor.

Referred to Committee on Criminal Justice & Corrections.

2ESB 5714 by Senators Keiser, Deccio, Kastama, Parlette, Thibaudeau, McAuliffe, Brown, Rasmussen, Rockefeller and Kohl-Welles

AN ACT Relating to an early detection breast and cervical cancer screening program; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care.

There being no objection, the bills 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 18, 2006

HB 1120 Prime Sponsor, Representative Dunshee: Returning interest earned to the community and technical college capital projects account. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Ormsby, Vice Chairman; Jarrett, Ranking Minority Member; Hankins, Assistant Ranking Minority Member; Blake; Chase; Cox; Eickmeyer; Ericks; Ericksen; Flannigan; Green; Hasegawa; Kretz; Kristiansen; Lantz; McCune; Moeller; Morrell; Newhouse; O'Brien; Roach; Schual-Berke; Serben; Springer; Strow and Upthegrove.

Passed to Committee on Rules for second reading.

January 18, 2006

SHB 1226 Prime Sponsor, House Committee On State Government Operations & Accountability: Adjusting application of campaign contribution limits. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do

pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Hunt; McDermott and Miloscia.

MINORITY recommendation: Signed by Representatives Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Schindler and Sump.

Referred to Committee on Appropriations.

January 17, 2006

HB 1279 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: The second substitute bill be substituted therefor and the second 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.

Passed to Committee on Rules for second reading.

January 17, 2006

2SHB 1483 Prime Sponsor, Committee On Appropriations: Establishing a reinvesting in youth program. Reported by Committee on Juvenile Justice & Family Law

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

Referred to Committee on Appropriations.

January 18, 2006

HB 2366 Prime Sponsor, Representative B. Sullivan: Making certain communications between fire fighters and peer support group counselors privileged. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

January 18, 2006

HB 2371 Prime Sponsor, Representative B. Sullivan: Studying the statewide procurement of technical assistance. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Bailey; Blake; Buri; Chase; Clibborn; Dunn; Grant; Haler; Holmquist; Kilmer; Kretz; McCoy; Morrell; Newhouse; Quall; Strow; P. Sullivan and Wallace.

Referred to Committee on Appropriations.

January 18, 2006

HB 2380 Prime Sponsor, Representative Serben: Changing the threshold age of minors under the uniform transfers to minors act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Williams, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer and Wood.

MINORITY recommendation: Signed by Representatives Flannigan, Vice Chairman.

Passed to Committee on Rules for second reading.

January 17, 2006

HB 2416 Prime Sponsor, Representative Kessler: Establishing an optional state parks vehicle

registration fee. 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; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Referred to Committee on Appropriations.

January 18, 2006

HB 2498 Prime Sponsor, Representative Kilmer: Establishing an industry cluster-based approach to economic development. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Blake; Buri; Chase; Clibborn; Dunn; Grant; Haler; Holmquist; Kilmer; Kretz; McCoy; Morrell; Quall; Strow; P. Sullivan and Wallace.

MINORITY recommendation: Signed by Representatives Bailey and Newhouse.

Referred to Committee on Appropriations.

January 18, 2006

HB 2544 Prime Sponsor, Representative P. Sullivan: Authorizing project loans recommended by the public works board. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Ormsby, Vice Chairman; Jarrett, Ranking Minority Member; Hankins, Assistant Ranking Minority Member; Blake; Chase; Cox; Eickmeyer; Ericks; Ericksen; Green; Hasegawa; Kretz; Kristiansen; Lantz; McCune; Moeller; Morrell; Newhouse; O'Brien; Roach; Schual-Berke; Serben; Springer; Strow and Upthegrove.

Passed to Committee on Rules for second reading.

January 18, 2006

HB 2550 Prime Sponsor, Representative Dunshee: Amending provisions of the 2005-2007 capital budget. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Ormsby, Vice Chairman; Jarrett, Ranking Minority Member; Hankins, Assistant Ranking Minority Member; Blake; Chase; Cox; Eickmeyer; Ericks; Ericksen; Green; Hasegawa; Kretz; Kristiansen; Lantz; McCune; Moeller; Morrell; Newhouse; O'Brien; Roach; Schual-Berke; Serben; Springer; Strow and Upthegrove.

Passed to Committee on Rules for second reading.

January 19, 2006

HB 2644 Prime Sponsor, Representative P. Sullivan: Increasing temporarily the statewide cap for the customer assistance public utility tax credit. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; P. Sullivan; Sump; Takko and Wallace.

Referred to Committee on Finance.

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. 2661, By Representatives Murray, Hankins, Pettigrew, Jarrett, McDermott, Grant, Lovick, Haigh, Moeller, Shabro, Santos, Kessler, Upthegrove, Tom, Hunter, Hasegawa, Walsh, Fromhold, Springer, Appleton, McCoy, Chase, Hudgins, Kenney, Lantz, Hunt, Darneille, Quall, Takko, Sommers, Williams, Sells, Green, Schual-Berke, Simpson, Clibborn, Conway, Linville, Cody, Kagi, B. Sullivan, McIntire, Dickerson, Miloscia, Roberts and Ormsby; by request of Governor Gregoire**

**Expanding the jurisdiction of the human rights commission.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2661 was substituted for House Bill No. 2661 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2661 was read the second time.

Representative Schindler moved the adoption of amendment (648):

On page 4, line 21, after "employs" strike "eight" and insert "~~(eight)~~forty"

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

Representative Clibborn spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Ahern moved the adoption of amendment (649):

On page 4, line 23, after "profit" insert ",or any organization sponsored by a religious or sectarian organization"

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

Representative Moeller spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Jarrett moved the adoption of amendment (650):

On page 4, line 23, after "profit" insert ". For purposes of this chapter, a religious or sectarian organization shall be considered the employer of every individual on the payroll of the organization"

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

Representative Kenney spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Talcott moved the adoption of amendment (651):

On page 19, after line 22, insert:  
"NEW SECTION. Sec. 19. A new section is added to chapter 49.60 RCW to read as follows:

Inclusion of sexual orientation in this chapter does not create any precedent, basis, or right to same-sex marriage. This chapter shall not be construed to create any precedent, basis, or right to same-sex marriage."

Representative Haigh moved the adoption of amendment (653) to amendment (651):

On page 1, beginning on line 1 of the amendment, strike all material through the end of line 7 and insert "On page 2, line 24, after "rights." insert "Inclusion of sexual orientation in this chapter shall not be construed to modify or supersede state law relating to marriage."

Representatives Haigh and Talcott spoke in favor of the adoption of the amendment to the amendment.

The amendment was adopted. The amendment as amended was adopted.

Representative Serben moved the adoption of amendment (652):

On page 19, after line 22, insert:

"**NEW SECTION. Sec. 19.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Correct the title.

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

Representative Pettigrew spoke against the adoption of the amendment.

The amendment was not adopted.

The bill was ordered engrossed.

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

Representative Murray spoke in favor of passage of the bill.

Representative Cox spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2661.

There being no objection, Representative McCoy was excused.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2661 and the bill passed the House by the following vote: Yeas - 60, Nays - 37, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi,

Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Santos, Schual-Berke, Sells, Shabro, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 60.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hinkle, Holmquist, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Roach, Rodne, Schindler, Serben, Skinner, Strow, Sump, Talcott and Woods - 37.

Excused: Representative McCoy - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2661, 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 23, 2006, the 15<sup>th</sup> day of the regular session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

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