

**FIFTY NINTH LEGISLATURE - REGULAR SESSION**  
**FIFTY FOURTH DAY**

House Chamber, Olympia, Friday, March 4, 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 the Kent Campfire Group #794. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Terry Kaiser, Faith Assembly of Lacey.

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

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Lovick presiding) introduced Lauren Jackson, a Seattle Storm player and asked the Chamber to acknowledge her.

**MESSAGE FROM THE SENATE**

March 4, 2005

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1014,  
 SUBSTITUTE HOUSE BILL NO. 1154,

**INTRODUCTION & FIRST READING**

HB 2276 by Representatives Anderson, Nixon, Tom, Rodne, Ericksen and Priest

AN ACT Relating to including planning provisions in the growth management act for safe nonmotorized transportation routes to and from schools; and amending RCW 36.70A.070 and 36.70A.150.

Referred to Committee on Local Government.

HB 2277 by Representatives Orcutt, Cox, Ahern, Anderson and Kretz

AN ACT Relating to minimum admission standards for public four-year institutions of higher education; and amending RCW 28B.76.290.

Referred to Committee on Higher Education.

HB 2278 by Representatives Dunshee, Jarrett, Kenney, Cox, Ormsby and Newhouse

AN ACT Relating to prioritization of higher education capital projects; and amending RCW 28B.76.220.

Referred to Committee on Capital Budget.

HB 2279 by Representatives Ericksen and Linville

AN ACT Relating to civil liability reform; amending RCW 4.22.070, 4.22.015, 5.64.010, 4.56.250, 4.16.350, 7.70.100, 7.70.070, 43.70.110, 43.70.250, and 4.24.260; adding new sections to chapter 4.56 RCW; adding new

sections to chapter 7.70 RCW; adding a new section to chapter 7.04 RCW; adding a new section to chapter 4.24 RCW; adding new sections to chapter 48.19 RCW; adding new sections to chapter 43.70 RCW; adding a new chapter to Title 48 RCW; adding a new chapter to Title 70 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

HB 2280 by Representatives Pettigrew and Haler

AN ACT Relating to funding arts, cultural and heritage institutions, and publicly owned sports and entertainment facilities; and creating a new section.

Referred to Committee on Finance.

SB 5006 by Senator Jacobsen

AN ACT Relating to the sale of aquaculture products from leased state-owned aquatic lands; amending RCW 79.90.210 and 79.96.080; and adding a new section to chapter 79.96 RCW.

Referred to Committee on Natural Resources, Ecology & Parks.

SB 5053 by Senators Kline and Johnson

AN ACT Relating to service by publication in actions to establish or modify parenting plans, for legal separation or invalidity of marriage, and for nonparental custody; and amending RCW 4.28.100.

Referred to Committee on Juvenile Justice & Family Law.

SB 5059 by Senators Haugen, Swecker, Jacobsen, Benton and Rockefeller

AN ACT Relating to state transportation bond payment revenue; and adding a new section to chapter 39.42 RCW.

Referred to Committee on Transportation.

ESSB 5173 by Senate Committee on Judiciary (originally sponsored by Senators Johnson, Weinstein, Esser and Kline)

AN ACT Relating to the uniform mediation act; amending RCW 7.75.050, 26.09.015, 35.63.260, and 48.43.055; reenacting and amending RCW 42.17.310; adding a new chapter to Title 7 RCW; repealing RCW 5.60.070 and 5.60.072; and providing an effective date.

Referred to Committee on Judiciary.

SB 5268 by Senators Esser and Kastama

AN ACT Relating to assumption by a code city with a population greater than one hundred thousand of a water-sewer district with fewer than two hundred fifty customers; and adding a new section to chapter 35.13A RCW.

Referred to Committee on Local Government.

SJR 8206 by Senators Hargrove, Stevens, Regala, Kline, Esser, Zarelli, Carrell, Finkbeiner, Johnson, Delvin, Fairley, Swecker, Sheldon, McAuliffe, Franklin, Prentice, Shin, Spanel, Kohl-Welles, Brown, Roach and Mulliken

Revising limitations on use of inmate labor.

Referred to Committee on Criminal Justice & Corrections.

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

March 2, 2005

HB 1120 Prime Sponsor, Representative Dunshee: Returning interest earned to the community and technical college capital projects 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; Armstrong; 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.

March 2, 2005

HB 1243 Prime Sponsor, Representative Green: Increasing patient safety through disclosure and analysis of adverse events. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Health Care. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Miloscia; Priest; Schual-Berke; Talcott and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Bailey; Buri; Clements; Hinkle; McDonald and Pearson.

Passed to Committee on Rules for second reading.

March 2, 2005

HB 1344 Prime Sponsor, Representative P. Sullivan: Requiring information on fugitives to be

posted on the internet. Reported by Committee on Appropriations

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

March 3, 2005

HB 1457 Prime Sponsor, Representative Haigh: Creating the military department capital account and rental and lease account. 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; DeBolt; Eickmeyer; Ericks; Ericksen; Green; Holmquist; 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.

March 2, 2005

HB 1662 Prime Sponsor, Representative Kenney: Authorizing an independent, nonprofit Washington academy of sciences. 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; Armstrong; 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.

March 2, 2005

HB 1888 Prime Sponsor, Representative Nixon: Regulating electronic mail fraud. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Technology, Energy & Communications. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; 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.

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. 1695, By Representatives Buri, Kretz, Green, Grant, Newhouse, Blake, DeBolt, Orcutt, Haler, B. Sullivan and Buck**

**Modifying the definition of "resident" for the purposes of Title 77 RCW.**

The bill was read the second time.

## MOTIONS

On motion of Representative Clements, Representatives Cox and Orcutt were excused. On motion of Representative Santos, Representatives Conway, Flannigan, Kenney and Sommers were excused.

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

Representatives Buri and B. Sullivan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1695.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1695 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, 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, Woods and Mr. Speaker - 92.

Excused: Representatives Conway, Cox, Flannigan, Kenney, Orcutt, and Sommers - 6.

HOUSE BILL NO. 1695, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1944, By Representatives Hunt and Williams**

**Allowing raffles conducted by state employees.**

The bill was read the second time.

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

Representatives Hunt and Sump spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1944.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1944 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, 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, Woods and Mr. Speaker - 92.

Excused: Representatives Conway, Cox, Flannigan, Kenney, Orcutt and Sommers - 6.

HOUSE BILL NO. 1944, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**HOUSE BILL NO. 1832, By Representatives Kretz, Blake, Grant, Holmquist, P. Sullivan, Buri, B. Sullivan, Kristiansen, Serben, Linville, McCune, Orcutt, Sump, Condotta, Cox, Walsh, Clements, Roach, Newhouse, Haler and Pearson**

**Requiring the posting of cougar interactions with pets, livestock, or humans.**

The bill was read the second time.

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

Representatives Kretz and B. Sullivan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1832.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1832 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, 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, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Cox, Flannigan and Kenney - 3.

HOUSE BILL NO. 1832, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1958, By Representatives Buck and B. Sullivan

#### Extending certain limited fisheries buyback programs.

The bill was read the second time.

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

Representatives Buck and B. Sullivan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1958.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1958 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, 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, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Flannigan and Kenney - 2.

HOUSE BILL NO. 1958, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1007, By Representatives Hunt, Alexander, Sommers, Kenney and Chase; by request of Department of General Administration

#### Establishing a commemorative works account for the department of general administration.

The bill was read the second time.

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

Representative Hunt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1007.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1007 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, 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, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Flannigan and Kenney - 2.

HOUSE BILL NO. 1007, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1032, By Representatives Kirby, Roach, Simpson and Schual-Berke; by request of Insurance Commissioner

#### Adopting the interstate insurance product regulation compact.

The bill was read the second time.

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

Representatives Kirby and Roach spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1032.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1032 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, 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, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Flannigan and Kenney - 2.

HOUSE BILL NO. 1032, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1051, By Representatives Murray and Ericksen; by request of Legislative Ethics Board

#### Modifying provisions governing ethics complaints.

The bill was read the second time.

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

Representatives Murray and Ericksen spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1051.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1051 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, 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, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Flannigan and Kenney - 2.

HOUSE BILL NO. 1051, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1090, By Representatives Hudgins, Jarrett, Sommers, Bailey, Morris, Strow, Nixon, Kenney, Hasegawa, Lantz, Flannigan, Santos, Murray, Wood, Upthegrove, Dickerson, B. Sullivan, Schual-Berke, Cody, Pettigrew, Conway, Simpson, Woods, McIntire, Kagi, Chase, Tom, Morrell and Kilmer

#### Using pictograms in transportation signs.

The bill was read the second time.

Representative Murray moved that Substitute House Bill No. 1090 be substituted for House Bill No. 1090 and the substitute bill be placed on the second reading calendar. Representative Murray spoke in favor of the motion. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1090 was read the second time.

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

Representatives Hudgins and Jarrett spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1090.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1090 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, 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, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Flannigan and Kenney - 2.

SUBSTITUTE HOUSE BILL NO. 1090, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1112, By Representatives Quall, Bailey, Morris, Strow, Kristiansen and Pearson; by request of Board For Judicial Administration**

**Creating an additional superior court position.**

The bill was read the second time.

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

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

The Speaker stated the question before the House to be the final passage of House Bill No. 1112.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1112 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, 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, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Flannigan and Kenney - 2.

HOUSE BILL NO. 1112, having received the necessary constitutional majority, was declared passed.

There being no objection, HOUSE BILL NO. 1115 was returned to the Committee on Rules.

**HOUSE BILL NO. 1124, By Representatives Eickmeyer, Buck, Blake, Upthegrove, B. Sullivan, Chase and Dunshee**

**Authorizing the use of signs, banners, or decorations over highways under limited circumstances.**

The bill was read the second time.

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

Representatives Eickmeyer and Buck spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1124.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1124 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, 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, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Flannigan and Kenney - 2.

HOUSE BILL NO. 1124, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1132, By Representatives Nixon, Haigh and Shabro**

**Allowing more candidates to file with the secretary of state.**

The bill was read the second time.

Representative Haigh moved that Substitute House Bill No. 1132 be substituted for House Bill No. 1132 and the substitute bill be placed on the second reading calendar. Representative Nixon spoke in favor of the motion. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1132 was read the second time.

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

Representative Nixon spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1132.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1132 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt,

Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, 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, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Flannigan and Kenney - 2.

SUBSTITUTE HOUSE BILL NO. 1132, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1133, By Representatives Nixon, Haigh and Shabro**

**Reorganizing public disclosure law.**

The bill was read the second time.

Representative Haigh moved that Substitute House Bill No. 1133 be substituted for House Bill No. 1133 and the substitute bill be placed on the second reading calendar. Representative Haigh spoke in favor of the motion. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1133 was read the second time.

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

Representatives Nixon and Haigh spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1133.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1133 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, 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, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Flannigan and Kenney - 2.

SUBSTITUTE HOUSE BILL NO. 1133, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1141, By Representatives Conway, Tom, Wood, Buri, Miloscia, Condotta, Armstrong and Kenney**

**Changing the expiration date of the Washington real estate research account.**

The bill was read the second time.

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

Representatives Conway and Tom spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1141.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1141 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, 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, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Flannigan and Kenney - 2.

HOUSE BILL NO. 1141, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1158, By Representatives Takko and Alexander**

**Modifying county treasurer administrative provisions.**

The bill was read the second time.

Representative Simpson moved that Substitute House Bill No. 1158 be substituted for House Bill No. 1158 and the substitute bill be placed on the second reading calendar. Representatives Simpson and Schindler spoke in favor of the motion. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1158 was read the second time.

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

Representatives Takko and Alexander spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1158.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1158 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, 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, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Flannigan and Kenney - 2.

SUBSTITUTE HOUSE BILL NO. 1158, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1174, By Representatives McCoy, Campbell, Morrell, Chase, Condotta, Hunt, Appleton, Hudgins, Armstrong, Hinkle, Conway, Lantz, Ormsby, Haigh and Upthegrove**

#### **Changing veterans' tuition waiver provisions.**

The bill was read the second time.

Representative Sells moved that Substitute House Bill No. 1174 be substituted for House Bill No. 1174 and the substitute bill be placed on the second reading calendar. Representatives Sells and Cox spoke in favor of the motion. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1174 was read the second time.

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

Representatives Sells, McCoy and Cox spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1174.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1174 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, 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, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Flannigan and Kenney - 2.

SUBSTITUTE HOUSE BILL NO. 1174, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1179, By Representatives Murray, Shabro, Wallace, Woods, Jarrett, Simpson, Springer, Dickerson, Quall, Armstrong, Kenney, Clibborn and McIntire; by request of Department of Transportation**

**Authorizing a pilot project for high-occupancy toll lanes.**

The bill was read the second time.

Representative Murray moved that Substitute House Bill No. 1179 be substituted for House Bill No. 1179 and the substitute bill be placed on the second reading calendar. Representative Murray spoke in favor of the motion. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1179 was read the second time.

There being no objection, amendment (066) was withdrawn.

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

Representatives Murray, Shabro, Simpson and Woods spoke in favor of passage of the bill.

Representatives Ericksen and Orcutt 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. 1179.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1179 and the bill passed the House by the following vote: Yeas - 83, Nays - 13, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 83.

Voting nay: Representatives Armstrong, Condotta, Cox, Curtis, Dunn, Ericksen, Kretz, Kristiansen, Orcutt, Pearson, Schindler, Serben and Sump - 13.

Excused: Representatives Flannigan and Kenney - 2.

SUBSTITUTE HOUSE BILL NO. 1179, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1214, By Representatives Blake and Upthegrove****Defining "deliver" and "delivery" for food fish and shellfish.**

The bill was read the second time.

Representative B. Sullivan moved that, Substitute House Bill No. 1214 be substituted for House Bill No. 1214 and the substitute bill be placed on the second reading calendar. Representative B. Sullivan spoke in favor of the motion. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1214 was read the second time.

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

Representative Blake spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1214.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1214 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell,

Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, 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, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Anderson - 1.

Excused: Representatives Flannigan and Kenney - 2.

SUBSTITUTE HOUSE BILL NO. 1214, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1235, By Representatives O'Brien, Nixon, Lovick, Ericks, Clements, Shabro, Darneille, Miloscia and Springer****Requiring consultation between counties, cities, and towns before siting homeless camps.**

The bill was read the second time.

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

Representatives O'Brien and Nixon spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1235.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1235 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, 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, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Cox and Dunn - 2.

Excused: Representatives Flannigan and Kenney - 2.

HOUSE BILL NO. 1235, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1266, By Representatives Murray, Woods and Kenney; by request of Department of Licensing**

**Updating laws on drugs and alcohol use by commercial drivers.**

The bill was read the second time.

Representative Murray moved that Substitute House Bill No. 1266 be substituted for House Bill No. 1266 and the substitute bill be placed on the second reading calendar. Representative Murray spoke in favor of the motion. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1266 was read the second time.

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

Representatives Wallace and Woods spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1266.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1266 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, 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, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Flannigan and Kenney - 2.

SUBSTITUTE HOUSE BILL NO. 1266, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1286, By Representatives Cody, Simpson, Morrell and Kenney; by request of Office of Financial Management**

**Creating the medical flexible spending account.**

The bill was read the second time.

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

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

The Speaker stated the question before the House to be the final passage of House Bill No. 1286.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1286 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, 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, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Flannigan and Kenney - 2.

HOUSE BILL NO. 1286, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1304, By Representatives Kessler, O'Brien, Lantz, Tom, Lovick, Pearson, Hunt, Moeller, Kirby, Kristiansen, Hunter, Condotta, Dunshee, Nixon, Springer, Jarrett, Simpson, Kilmer, Upthegrove, Williams, Linville, Kenney and Dickerson**

**Revising provisions relating to animal cruelty.**

The bill was read the second time.

Representative Lantz moved that Substitute House Bill No. 1304 be substituted for House Bill No. 1304 and the substitute bill be placed on the second reading calendar. Representative Lantz spoke in favor of the motion. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1304 was read the second time.

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

Representatives Kessler, Priest and Lantz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1304.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1304 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, 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, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Flannigan and Kenney - 2.

SUBSTITUTE HOUSE BILL NO. 1304, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1326, By Representatives Conway, Crouse, Simpson and Chase; by request of Select Committee on Pension Policy**

**Restricting the public employment of retirees from the teachers' retirement system and the public employees' retirement system.**

The bill was read the second time.

Representative Fromhold moved that Substitute House Bill No. 1326 be substituted for House Bill No. 1326 and the substitute bill be placed on the second reading calendar. Representatives Fromhold and Bailey spoke in favor of the motion. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1326 was read the second time.

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

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

Representative Clements 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. 1326.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1326 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, 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, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Cox and Dunn - 2.

Excused: Representatives Flannigan and Kenney - 2.

SUBSTITUTE HOUSE BILL NO. 1326, having received the necessary constitutional majority, was declared passed.

**INTRODUCTION & FIRST READING - SUPPLEMENTAL**

HB 2281 by Representatives Morris, Woods, Quall, Strow, B. Sullivan, Appleton, Hudgins, Kilmer, Sells, Lovick, Linville and Conway

AN ACT Relating to purchasing of fuel for use by state agencies; adding a new section to chapter 43.19 RCW; and declaring an emergency.

Referred to Committee on State Government Operations & Accountability.

HB 2282 by Representatives Sommers, O'Brien, Haler and Skinner; by request of Department of Corrections

AN ACT Relating to the costs of transporting offender property upon transfer; amending RCW 72.02.045; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2283 by Representatives Buck, Kessler, Woods, Curtis, Haler, Serben, Armstrong, Hankins, Shabro, Condotta, Ericks, Takko and Upthegrove

AN ACT Relating to the Port Angeles graving dock project; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 2284 by Representatives Tom, McDermott and Curtis

AN ACT Relating to unlawful shipment of tobacco products to state consumers; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Health Care.

SB 5179 by Senators Morton, Jacobsen, Sheldon and Stevens

AN ACT Relating to forest health; amending 2004 c 218 s 4 (uncodified); and providing an expiration date.

Referred to Committee on Natural Resources, Ecology & Parks.

ESSB 5275 by Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Fairley, Benton, Regala, Kline, Franklin and Mulliken)

AN ACT Relating to prohibiting the use of consumer credit histories for personal insurance renewal decisions; amending RCW 48.18.545; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

E2SSB 5441 by Senate Committee on Ways & Means (originally sponsored by Senators Weinstein, McAuliffe, Prentice, Kohl-Welles, Eide, Berkey, Poulsen, Keiser, Brown, Fraser, Shin, Haugen, Schmidt, Kline, Rockefeller, Spanel and Rasmussen; by request of Governor Gregoire)

AN ACT Relating to studying early learning, K-12, and higher education; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations.

ESSB 5506 by Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Kohl-Welles, Fairley, Regala and Thibaudeau)

AN ACT Relating to the development of policies regarding the marketing or merchandising of credit cards to students at the state's institutions of higher education; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Financial Institutions & Insurance.

SSB 5828 by Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Eide, McAuliffe and Kohl-Welles)

AN ACT Relating to digital or online learning; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Education.

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

#### MESSAGE FROM THE SENATE

March 4, 2005

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5106,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5171,  
SENATE BILL NO. 5175,  
SENATE BILL NO. 5241,  
SENATE BILL NO. 5321,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5348,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5395,  
SENATE BILL NO. 5564,  
SENATE BILL NO. 5744,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

**HOUSE BILL NO. 1003, By Representatives Hinkle, B. Sullivan, Curtis, Campbell, Blake, Dunn and Condotta**

#### Allowing off-road vehicles on nonhighway roads.

The bill was read the second time.

Representative Hinkle moved the adoption of amendment (045):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that off-road recreational vehicles (ORVs) provide opportunities for a wide variety of outdoor recreation activities. The legislature further finds that the limited amount of ORV recreation areas presents a challenge for ORV recreational users, natural resource land managers, and private landowners. The legislature further finds that many nonhighway roads provide opportunities for ORV use and that these opportunities may reduce conflicts between users and facilitate responsible ORV recreation. However, restrictions intended for motor vehicles may prevent ORV use on certain roads, including forest service roads. Therefore, the legislature finds that local, state, and federal jurisdictions should be given the flexibility to allow ORV use on nonhighway roads they own and manage or for which they are authorized to allow public ORV use under an easement granted by the owner. Nothing in this act authorizes trespass on private property.

**Sec. 2.** RCW 46.09.010 and 1972 ex.s. c 153 s 2 are each amended to read as follows:

The provisions of this chapter shall apply to all lands in this state. Nothing in this chapter (~~((43.09 RCW))~~), RCW (~~((67.32.050; 67.32.080, 67.32.100, 67.32.130 or 67.32.140))~~) 79A.35.040, 79A.35.070, 79A.35.090, 79A.35.110, and 79A.35.120 shall be deemed to grant to any person the right or authority to enter upon private property without permission of the property owner.

**Sec. 3.** RCW 46.09.120 and 2003 c 377 s 1 are each amended to read as follows:

(1) It is a traffic infraction for any person to operate any nonhighway vehicle:

(a) In such a manner as to endanger the property of another;

(b) On lands not owned by the operator or owner of the nonhighway vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership;

(c) On lands not owned by the operator or owner of the nonhighway vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership;

(d) Without a spark arrester approved by the department of natural resources;

(e) Without an adequate, and operating, muffling device which effectively limits vehicle noise to no more than eighty-six decibels on the "A" scale at fifty feet as measured by the Society of Automotive Engineers (SAE) test procedure J 331a, except that a

maximum noise level of one hundred and five decibels on the "A" scale at a distance of twenty inches from the exhaust outlet shall be an acceptable substitute in lieu of the Society of Automotive Engineers test procedure J 331a when measured:

(i) At a forty-five degree angle at a distance of twenty inches from the exhaust outlet;

(ii) With the vehicle stationary and the engine running at a steady speed equal to one-half of the manufacturer's maximum allowable ("red line") engine speed or where the manufacturer's maximum allowable engine speed is not known the test speed in revolutions per minute calculated as sixty percent of the speed at which maximum horsepower is developed; and

(iii) With the microphone placed ten inches from the side of the vehicle, one-half way between the lowest part of the vehicle body and the ground plane, and in the same lateral plane as the rearmost exhaust outlet where the outlet of the exhaust pipe is under the vehicle;

(f) On lands not owned by the operator or owner of the nonhighway vehicle upon the shoulder or inside bank or slope of any nonhighway road or highway, or upon the median of any divided highway;

(g) On lands not owned by the operator or owner of the nonhighway vehicle in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage, or destroy trees, growing crops, or other vegetation;

(h) On lands not owned by the operator or owner of the nonhighway vehicle or on any nonhighway road or trail, when these are restricted to pedestrian or animal travel; ~~(and)~~

(i) On any public lands in violation of rules and regulations of the agency administering such lands; and

(j) On a private nonhighway road in violation of section 3 of this act.

(2) It is a misdemeanor for any person to operate any nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance.

(3)(a) Except for an off-road vehicle equipped with seat belts and roll bars or an enclosed passenger compartment, it is a traffic infraction for any person to operate or ride an off-road vehicle on a nonhighway road without wearing upon his or her head a motorcycle helmet fastened securely while in motion. For purposes of this section, "motorcycle helmet" has the same meaning as provided in RCW 46.37.530.

(b) Subsection (3)(a) of this section does not apply to an off-road vehicle operator operating on his or her own land.

(c) Subsection (3)(a) of this section does not apply to an off-road vehicle operator operating on agricultural lands owned or leased by the off-road vehicle operator or the operator's employer.

**NEW SECTION. Sec. 4.** A new section is added to chapter 46.09 RCW to read as follows:

(1) Except as otherwise provided in this section, it is lawful to operate an off-road vehicle upon a nonhighway road and in parking areas serving designated off-road vehicle areas if the state, federal, local, or private authority responsible for the management of the nonhighway road authorizes the use of off-road vehicles.

(2) Operations of an off-road vehicle on a nonhighway road under this section is exempt from licensing requirements of RCW 46.16.010 and vehicle lighting and equipment requirements of chapter 46.37 RCW.

(3) It is unlawful to operate an off-road vehicle upon a private nonhighway road if the road owner has not authorized the use of off-road vehicles.

(4) Nothing in this section authorizes trespass on private property.

**NEW SECTION. Sec. 5.** A new section is added to chapter 46.09 RCW to read as follows:

(1) Except as specified in subsection (2) of this section, no person under sixteen years of age may operate an off-road vehicle on or across a highway or nonhighway road in this state.

(2) Persons under sixteen years of age may operate an off-road vehicle on a nonhighway road designated for off-road vehicle

use under the direct supervision of a person eighteen years of age or older possessing a valid license to operate a motor vehicle under chapter 46.20 RCW.

**Sec. 6.** RCW 46.16.010 and 2003 c 353 s 8 and 2003 c 53 s 238 are each reenacted and amended to read as follows:

(1) It is unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided.

(2) Failure to make initial registration before operation on the highways of this state is a misdemeanor, and any person convicted thereof must be punished by a fine of no less than three hundred thirty dollars, no part of which may be suspended or deferred.

(3) Failure to renew an expired registration before operation on the highways of this state is a traffic infraction.

(4) The licensing of a vehicle in another state by a resident of this state, as defined in RCW 46.16.028, evading the payment of any tax or license fee imposed in connection with registration, is a gross misdemeanor punishable as follows:

(a) For a first offense, up to one year in the county jail and a fine equal to twice the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(b) For a second or subsequent offense, up to one year in the county jail and a fine equal to four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(c) For fines levied under (b) of this subsection, an amount equal to the avoided taxes and fees owed will be deposited in the vehicle licensing fraud account created in the state treasury;

(d) The avoided taxes and fees shall be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion.

(5) These provisions shall not apply to the following vehicles:

(a) Motorized foot scooters;

(b) Electric-assisted bicycles;

(c) Off-road vehicles operating on nonhighway roads under section 4 of this act;

(d) Farm vehicles if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law;

~~((d))~~ (e) Spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing, or loading of spray and fertilizer applicator rigs and not used, designed, or modified primarily for the purpose of transportation;

~~((e))~~ (f) Fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve: PROVIDED FURTHER, That these provisions shall not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks;

~~((f))~~ (g) "Special highway construction equipment" defined as follows: Any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including

dump trucks and tractor-dump trailer combinations which either (i) are in excess of the legal width, or (ii) which, because of their length, height, or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (iii) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(6) The following vehicles, whether operated solo or in combination, are exempt from license registration and displaying license plates as required by this chapter:

(a) A converter gear used to convert a semitrailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle. Converter gear includes an auxiliary axle, booster axle, dolly, and jeep axle.

(b) A tow dolly that is used for towing a motor vehicle behind another motor vehicle. The front or rear wheels of the towed vehicle are secured to and rest on the tow dolly that is attached to the towing vehicle by a tow bar.

**Sec. 7.** RCW 46.37.010 and 1997 c 241 s 14 are each amended to read as follows:

(1) It is a traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter or in regulations issued by the chief of the Washington state patrol, or which is equipped in any manner in violation of this chapter or the state patrol's regulations, or for any person to do any act forbidden or fail to perform any act required under this chapter or the state patrol's regulations.

(2) Nothing contained in this chapter or the state patrol's regulations shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or the state patrol's regulations.

(3) The provisions of the chapter and the state patrol's regulations with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

(4) No owner or operator of a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of RCW 46.37.160 as now or hereafter amended unless such violation occurs on a public highway.

(5) It is a traffic infraction for any person to sell or offer for sale vehicle equipment which is required to be approved by the state patrol as prescribed in RCW 46.37.005 unless it has been approved by the state patrol.

(6) The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles except as herein made applicable.

(7) This chapter does not apply to off-road vehicles used on nonhighway roads.

(8) This chapter does not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks.

~~((8))~~ (9) Notices of traffic infraction issued to commercial drivers under the provisions of this chapter with respect to equipment required on commercial motor vehicles shall not be considered for driver improvement purposes under chapter 46.20 RCW.

~~((9))~~ (10) Whenever a traffic infraction is chargeable to the owner or lessee of a vehicle under subsection (1) of this section, the driver shall not be arrested or issued a notice of traffic infraction unless the vehicle is registered in a jurisdiction other than Washington state, or unless the infraction is for an offense that is clearly within the responsibility of the driver.

~~((10))~~ (11) Whenever the owner or lessee is issued a notice of traffic infraction under this section the court may, on the request of the owner or lessee, take appropriate steps to make the driver of the vehicle, or any other person who directs the loading, maintenance, or operation of the vehicle, a codefendant. If the codefendant is held solely responsible and is found to have committed the traffic infraction, the court may dismiss the notice against the owner or lessee.

**NEW SECTION. Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005."

Correct the title.

Representative Ericksen moved the adoption of amendment (058) to amendment (045):

On page 4 of the amendment, line 6, after "under" strike "sixteen" and insert "thirteen"

On page 4 of the amendment, line 8, after "under" strike "sixteen" and insert "thirteen"

Representatives Ericksen and B. Sullivan spoke in favor of the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker divided the House. The results was 72 - YEAS; 23 -NAYS.

Representative Ericksen moved the adoption of amendment (059):

On page 4 of the amendment, after line 12, insert:  
"(3) This section does not apply to a person operating an off-road vehicle on private property."

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

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

The amendment was not adopted.

The question before the House was the adoption of amendment (045) as amended.

Representative Hinkle spoke in favor of adoption of the amendment as amended.

The amendment as amended was adopted. The bill was ordered engrossed.

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

Representatives Hinkle and B. Sullivan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1003.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1003 and the bill passed the House by the following vote: Yeas - 90, Nays - 6, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hunter, Jarrett, Kagi, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 90.

Voting nay: Representatives Cody, Dunshee, Hudgins, Hunt, Murray and Simpson - 6.

Excused: Representatives Flannigan and Kenney - 2.

ENGROSSED HOUSE BILL NO. 1003, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1272, By Representatives Dunshee, Jarrett, Linville, Nixon, Hunt, Rodne, Strow, Tom, McDermott, Sommers, Appleton, Simpson, Dickerson, Lovick, Hasegawa, Sells, Cody, Morrell, Chase, Hudgins, B. Sullivan, Schual-Berke, Williams, Lantz, Kilmer, Moeller, Roberts, Upthegrove, McCoy, Hunter, Darneille, Miloscia, Green, O'Brien, P. Sullivan, Anderson, Kenney, Murray, Wallace, Ormsby, Haigh, Kagi and McIntire**

**Requiring public buildings to be built using high-performance green building standards.**

The bill was read the second time.

Representative Dunshee moved that Substitute House Bill No. 1272 be substituted for House Bill No. 1272 and the substitute bill be placed on the second reading calendar. Representative Dunshee spoke in favor of the motion. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1272 was read the second time.

Representative Dunshee moved the adoption of amendment (071):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that public buildings can be built and renovated using high-performance methods that save money, improve school performance, and make workers more productive. High-performance public buildings are proven to increase student test scores, reduce worker absenteeism, and cut energy and utility costs.

(2) It is the intent of the legislature that state-owned buildings and schools be improved by adopting recognized standards for high-performance public buildings and allowing flexible methods and choices in how to achieve those standards. The legislature also intends that public agencies and public school districts shall document costs and savings to monitor this program and ensure that economic, community, and environmental goals are achieved each year, and that an independent performance review be conducted to evaluate this program and determine the extent to which the results intended by this chapter are being met.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of general administration.

(2) "High-performance public buildings" means high-performance public buildings designed, constructed, and certified to a standard as identified in this chapter.

(3) "Institutions of higher education" means the state universities, the regional universities, The Evergreen State College, the community colleges, and the technical colleges.

(4) "LEED silver standard" means the United States green building council leadership in energy and environmental design green building rating standard, referred to as silver standard.

(5)(a) "Major facility project" means: (i) A construction project larger than five thousand gross square feet of occupied or conditioned space as defined in the Washington state energy code; or (ii) a building renovation project when the cost is greater than fifty percent of the assessed value and the project is larger than five thousand gross square feet of occupied or conditioned space as defined in the Washington state energy code.

(b) "Major facility project" does not include: (i) Projects for which the department, public school district, or other applicable agency and the design team determine the LEED silver standard or the Washington sustainable school design protocol to be not practicable; or (ii) transmitter buildings, pumping stations, hospitals, research facilities primarily used for sponsored laboratory experimentation, laboratory research, or laboratory training in research methods, or other similar building types as determined by the department. When the LEED silver standard is determined to be not practicable for a project, then it must be determined if any LEED standard is practicable for the project. If LEED standards or the Washington sustainable school design protocol are not followed for the project, the public school district or public agency shall report these reasons to the department.

(6) "Public agency" means every state office, officer, board, commission, committee, bureau, department, and public higher education institution.

(7) "Public school district" means a school district eligible to receive state basic education moneys pursuant to RCW 28A.150.250 and 28A.150.260.

(8) "Washington sustainable school design protocol" means the school design protocol and related information developed by the state board of education and the office of the superintendent of public instruction, in conjunction with school districts and the school facilities advisory board.

**NEW SECTION. Sec. 3.** (1) All major facility projects of public agencies receiving any funding in a state capital budget, or projects financed through a financing contract as defined in RCW 39.94.020, must be designed, constructed, and certified to at least the LEED silver standard. This subsection applies to major facility

projects that have not entered the design phase prior to the effective date of this section and to the extent appropriate LEED silver standards exist for that type of building or facility.

(2) All major facility projects of any entity other than a public agency or public school district receiving any funding in a state capital budget must be designed, constructed, and certified to at least the LEED silver standard. This subsection applies to major facility projects that have not entered the grant application process prior to the effective date of this section and to the extent appropriate LEED silver standards exist for that type of building or facility.

(3)(a) Public agencies, under this section, shall monitor and document ongoing operating savings resulting from major facility projects designed, constructed, and certified as required under this section.

(b) Public agencies, under this section, shall report annually to the department on major facility projects and operating savings.

(4) The department shall consolidate the reports required in subsection (3) of this section into one report and report to the governor and legislature by September 1st of each even-numbered year beginning in 2006 and ending in 2016. In its report, the department shall also report on the implementation of this chapter, including reasons why the LEED standard was not used as required by section 2 (5)(b) of this act. The department shall make recommendations regarding the ongoing implementation of this chapter, including a discussion of incentives and disincentives related to implementing this chapter.

**NEW SECTION. Sec. 4.** (1) All major facility projects of public school districts receiving any funding in a state capital budget must be designed and constructed to at least the LEED silver standard or the Washington sustainable school design protocol. To the extent appropriate LEED silver or Washington sustainable school design protocol standards exist for the type of building or facility, this subsection applies to major facility projects that have not received project approval from the superintendent of public instruction prior to: (a) July 1, 2006, for volunteering school districts; (b) July 1, 2007, for class one school districts; and (c) July 1, 2008, for class two school districts.

(2) Public school districts under this section shall: (a) Monitor and document appropriate operating benefits and savings resulting from major facility projects designed and constructed as required under this section for a minimum of five years following local board acceptance of a project receiving state funding; and (b) report annually to the superintendent of public instruction. The form and content of each report must be mutually developed by the office of the superintendent of public instruction in consultation with school districts.

(3) The superintendent of public instruction shall consolidate the reports required in subsection (2) of this section into one report and report to the governor and legislature by September 1st of each even-numbered year beginning in 2006 and ending in 2016. In its report, the superintendent of public instruction shall also report on the implementation of this chapter, including reasons why the LEED standard or Washington sustainable school design protocol was not used as required by section 2(5)(b) of this act. The superintendent of public instruction shall make recommendations regarding the ongoing implementation of this chapter, including a discussion of incentives and disincentives related to implementing this chapter.

(4) The state board of education, in consultation with the superintendent of public instruction, shall develop and issue guidelines for administering this chapter for public school districts. The purpose of the guidelines is to define a procedure and method for employing and verifying compliance with the LEED silver standard or the Washington sustainable school design protocol.

(5) The superintendent of public instruction shall utilize the school facilities advisory board as a high-performance buildings advisory committee comprised of affected public schools, the state board of education, the superintendent of public instruction, the department, and others at the superintendent of public instruction's discretion to provide advice on implementing this chapter. Among other duties, the advisory committee shall make recommendations

regarding an education and training process and an ongoing evaluation or feedback process to help the superintendent of public instruction and the state board of education implement this chapter.

**NEW SECTION. Sec. 5.** On or before January 1, 2009, the department and the superintendent of public instruction shall summarize the reports submitted under sections 3(4) and 4(3) of this act and submit the individual reports to the legislative committees on capital budget and ways and means for review of the program's performance and consideration of any changes that may be needed to adapt the program to any new or modified standards for high-performance buildings that meet the intent of this chapter.

**NEW SECTION. Sec. 6.** (1)(a) The department, in consultation with affected public agencies, shall develop and issue guidelines for administering this chapter for public agencies. The purpose of the guidelines is to define a procedure and method for employing and verifying activities necessary for certification to at least the LEED silver standard for major facility projects.

(b) The department and the office of the superintendent of public instruction shall amend their fee schedules for architectural and engineering services to accommodate the requirements in the design of major facility projects under this chapter.

(c) The department and the office of the superintendent of public instruction shall procure architecture and engineering services consistent with chapter 39.80 RCW.

(d) Major facility projects designed to meet standards identified in this chapter must include building commissioning as a critical cost-saving part of the construction process. This process includes input from the project design and construction teams and the project ownership representatives.

(e) As provided in the request for proposals for construction services, the operating agency shall hold a preproposal conference for prospective bidders to discuss compliance with and achievement of standards identified in this chapter for prospective respondents.

(2) The department shall create a high-performance buildings advisory committee comprised of representatives from the design and construction industry involved in public works contracting, personnel from the affected public agencies responsible for overseeing public works projects, the state board of education, the office of the superintendent of public instruction, and others at the department's discretion to provide advice on implementing this chapter. Among other duties, the advisory committee shall make recommendations regarding an education and training process and an ongoing evaluation or feedback process to help the department implement this chapter.

(3) The department and the state board of education shall adopt rules to implement this section.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.150 RCW to read as follows:

(1) In adopting implementation rules, the state board of education, in consultation with the superintendent of public instruction and the department of general administration, shall review and modify the current requirement for an energy conservation report review by the department of general administration as provided in WAC 180-27-075.

(2) In adopting implementation rules, the state board of education, in consultation with the superintendent of public instruction shall:

(a) Review and modify the current requirements for value engineering, constructability review, and building commissioning as provided in WAC 180-27-080;

(b) Review private and public utility providers' capacity and financial/technical assistance programs for affected public school districts to monitor and report utility consumption for purposes of reporting to the superintendent of public instruction as provided in section 4 of this act;

(c) Coordinate with the department of general administration, the state board of health, the department of ecology, federal

agencies, and other affected agencies as appropriate in their consideration of rules to implement this section.

**NEW SECTION. Sec. 8.** A new section is added to chapter 28B.10 RCW to read as follows:

Institutions of higher education must comply with high-performance public building requirements under sections 1 through 3 and 6 of this act.

**NEW SECTION. Sec. 9.** A new section is added to chapter 28A.150 RCW to read as follows:

Public school districts must comply with high-performance public building requirements under sections 1, 2, 4, 6, and 7 of this act.

**NEW SECTION. Sec. 10.** A member of the design or construction teams may not be held liable for the failure of a major facility project to meet the LEED silver standard or other LEED standard established for the project as long as a good faith attempt was made to achieve the LEED standard set for the project.

**NEW SECTION. Sec. 11.** A new section is added to chapter 39.04 RCW to read as follows:

For purposes of determining compliance with chapter 39.--RCW (sections 1 through 6, 10, and 12 through 14 of this act), the department of general administration shall credit the project for using wood products with a credible third party sustainable forest certification or from forests regulated under chapter 76.09 RCW, the Washington forest practices act.

**NEW SECTION. Sec. 12.** Except as provided in this section, affordable housing projects funded out of the state capital budget are exempt from the provisions of this chapter. On or before July 1, 2008, the department of community, trade, and economic development shall identify, implement, and apply a sustainable building program for affordable housing projects that receive housing trust fund (under chapter 43.185 RCW) funding in a state capital budget. The department of community, trade, and economic development shall not develop its own sustainable building standard, but shall work with stakeholders to adopt an existing sustainable building standard or criteria appropriate for affordable housing. Any application of the program to affordable housing, including any monitoring to track the performance of either sustainable features or energy standards or both, is the responsibility of the department of community, trade, and economic development. Beginning in 2009 and ending in 2016, the department of community, trade, and economic development shall report to the department as required under section 3(3)(b) of this act.

**NEW SECTION. Sec. 13.** It is the intent and an established goal of the LEED program as authored by the United States green building council to increase demand for building materials and products that are extracted and manufactured locally, thereby reducing the environmental impacts and to support the local economy. Therefore, it is the intent of the legislature to emphasize this defined goal and establish a priority to use Washington state based resources, building materials, products, industries, manufacturers, and other businesses to provide economic development to Washington state and to meet the objectives of this chapter.

**NEW SECTION. Sec. 14.** The joint legislative audit and review committee, or its successor legislative agency, shall conduct a performance review of the high-performance buildings program established under this chapter.

(1) The performance audit shall include, but not be limited to:

(a) The identification of the costs of implementation of high-performance building standards in the design and construction of major facility projects subject to this chapter;

(b) The identification of operating savings attributable to the implementation of high-performance building standards, including but not limited to savings in energy, utility, and maintenance costs;

(c) The identification of any impacts of high-performance buildings standards on worker productivity and student performance; and

(d) An evaluation of the effectiveness of the high-performance building standards established under this chapter, and recommendations for any changes in those standards that may be supported by the committee's findings.

(2) The committee shall make a preliminary report of its findings and recommendations on or before December 1, 2010, and a final report on or before July 1, 2011.

**NEW SECTION. Sec. 15.** Sections 1 through 6, 10, and 12 through 14 of this act constitute a new chapter in Title 39 RCW."

Representatives Dunshee and Jarrett spoke in favor of the adoption of the amendment.

The amendment was adopted.

Amendment (075) was ruled out of order.

The bill was ordered engrossed.

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

Representatives Dunshee, Jarrett, Green, Priest, Linville, Cox and Blake spoke in favor of passage of the bill.

Representatives Armstrong, Kristiansen and Orcutt 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. 1272.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1272 and the bill passed the House by the following vote: Yeas - 78, Nays - 18, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cox, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 78.

Voting nay: Representatives Armstrong, Buck, Condotta, Crouse, Dunn, Hinkle, Holmquist, Kretz, Kristiansen, McCune, McDonald, Orcutt, Pearson, Roach, Schindler, Sump, Talcott and Woods - 18.

Excused: Representatives Flannigan and Kenney - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1272, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1282, By Representatives Schual-Berke, Tom, Cody, Jarrett, Fromhold, Hankins, Appleton, Haler, Murray, Nixon, Dickerson, Kagi, Hasegawa, Roberts, Springer, DeBolt, Lantz, Chase, Hunter, Upthegrove, Darneille, Moeller, Morrell, Hunt, Simpson, Williams, Green, Wood, Kenney, Wallace, Linville, Ormsby, Kilmer, Haigh, Santos, McIntire and Walsh**

**Regarding sexual health education.**

The bill was read the second time.

Representative Cody moved that Substitute House Bill No. 1282 be substituted for House Bill No. 1282 and the substitute bill be placed on the second reading calendar. Representative Cody spoke in favor of the motion. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 1282 was read the second time.

Representative Bailey moved the adoption of amendment (055):

On page 2, beginning on line 21, strike "a fundamental tool" and insert "tools that may be utilized"

On page 2, line 22, after "guidelines" strike "will" and insert "may"

On page 2, line 30, after "education" strike "must assure that sexual health education is consistent with the" and insert "may utilize the"

On page 2, line 33, after "instruction" insert "in developing a sexual health education curriculum"

On page 3, line 11, after "department" strike all material through "of" on line 13 and insert "may make information available pertaining to developments in the field of what constitutes"

Representatives Bailey, Talcott and Cox spoke in favor of the adoption of the amendment.

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

The amendment was not adopted.

Representative Schindler moved the adoption of amendment (072):

On page 2, beginning on line 27, strike all of section 2 and insert the following:

**"NEW SECTION. Sec. 2.** The office of the superintendent of public instruction shall conduct a pilot project to assess the effectiveness of abstinence-only sexual health education curricula and comprehensive sexual health education curricula. Two school districts shall teach an abstinence-only sexual health education curriculum and two school districts shall teach a comprehensive sexual health education curriculum in accordance with the January 2005 guidelines for sexual health information and disease prevention of the department of health and office of the superintendent of public instruction.

The pilot project shall begin in September 2005 and shall conclude in June 2009. Upon completion of the pilot project, each school district shall report upon the success of the sexual health

education curricula, including the students' abilities to make responsible sexual health decisions, and teenage pregnancy rates and sexually-transmitted disease rates among the participants. The office of the superintendent of public instruction shall make the results of the pilot project available in a report to the legislature by December 1, 2009."

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

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

The amendment was not adopted.

Representative Curtis moved the adoption of amendment (053):

On page 3, line 1, after "(2)" insert "School districts that offer sexual health education may comply with subsection (1) of this section by using the services of more than one organization to teach different portions of a sexual health education curriculum as long as students are provided medically accurate and comprehensive sexual health education upon completion of the curriculum."

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

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

The amendment was not adopted.

Representative Dunn moved the adoption of amendment (041):

On page 3, line 2, after "instruction and" insert "instructional"

Representative Dunn and Schual-Berke spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Schindler moved the adoption of amendment (056):

On page 3, after line 15, insert the following:  
**"NEW SECTION. Sec. 3.** A new section is added to chapter 28A.230 RCW to read as follows:

(1) Each school district, at least one month before the presentation in any classroom, assembly, lecture series, or other group setting, of information regarding sex education or other matters pertaining to sexual conduct, shall:

(a) Provide written notice to the parents, guardians, or other custodians of the students who are the intended audience of such presentation; and

(b) Make the curricula and all related materials available for inspection by parents, guardians, and other custodians.

(2) No student may be permitted to attend or participate in a class, assembly, lecture, or other setting in which information regarding sex education or sexual conduct is presented unless the student's parent, guardian, or other custodian consents in writing.

(3) The notice required under this section must include:

(a) The date, time, and location of the scheduled presentation to students;

(b) A sampling of the curriculum that is a fair representation of the information to be provided to students;

(c) The places and times when the curriculum and materials will be available for inspection or viewing; and

(d) An explanation that no student will be allowed to participate in or attend a presentation of the information without written consent from a parent, guardian, or other custodian.

(4) The consent form required under this section must include a means for a parent, guardian, or other custodian to indicate whether the parent, guardian, or custodian:

(a) Has inspected or reviewed the curriculum; and

(b) Consents to the student's participation in the class, assembly, lecture, or other setting.

**Sec. 4.** RCW 28A.230.070 and 1994 c 245 s 7 are each amended to read as follows:

(1) The life-threatening dangers of acquired immunodeficiency syndrome (AIDS) and its prevention shall be taught in the public schools of this state. AIDS prevention education shall be limited to the discussion of the life-threatening dangers of the disease, its spread, and prevention. Students shall receive such education at least once each school year beginning no later than the fifth grade.

(2) Each district board of directors shall adopt an AIDS prevention education program which is developed in consultation with teachers, administrators, parents, and other community members including, but not limited to, persons from medical, public health, and mental health organizations and agencies so long as the curricula and materials developed for use in the AIDS education program either (a) are the model curricula and resources under subsection (3) of this section, or (b) are developed by the school district and approved for medical accuracy by the office on AIDS established in RCW 70.24.250. If a district elects to use curricula developed by the school district, the district shall submit to the office on AIDS a copy of its curricula and an affidavit of medical accuracy stating that the material in the district-developed curricula has been compared to the model curricula for medical accuracy and that in the opinion of the district the district-developed materials are medically accurate. Upon submission of the affidavit and curricula, the district may use these materials until the approval procedure to be conducted by the office of AIDS has been completed.

(3) Model curricula and other resources available from the superintendent of public instruction may be reviewed by the school district board of directors, in addition to materials designed locally, in developing the district's AIDS education program. The model curricula shall be reviewed for medical accuracy by the office on AIDS established in RCW 70.24.250 within the department of social and health services.

(4) Each school district shall, at least one month before teaching AIDS prevention education in any classroom, conduct at least one presentation during weekend and evening hours for the parents and guardians of students concerning the curricula and materials that will be used for such education. The parents and guardians shall be notified ~~((by the school district of the presentation and that the curricula and materials are available for inspection))~~ according to the procedures in section 3 of this act. No student may ~~((be required to))~~ participate in AIDS prevention education ~~((if))~~ unless the student's parent or guardian ~~((having attended one of the district presentations, objects))~~ consents in writing to the participation.

(5) The office of the superintendent of public instruction with the assistance of the office on AIDS shall update AIDS education curriculum material as newly discovered medical facts make it necessary.

(6) The curriculum for AIDS prevention education shall be designed to teach students which behaviors place a person dangerously at risk of infection with the human immunodeficiency virus (HIV) and methods to avoid such risk including, at least:

(a) The dangers of drug abuse, especially that involving the use of hypodermic needles; and

(b) The dangers of sexual intercourse, with or without condoms.

(7) The program of AIDS prevention education shall stress the life-threatening dangers of contracting AIDS and shall stress that abstinence from sexual activity is the only certain means for the prevention of the spread or contraction of the AIDS virus

through sexual contact. It shall also teach that condoms and other artificial means of birth control are not a certain means of preventing the spread of the AIDS virus and reliance on condoms puts a person at risk for exposure to the disease."

Renumber remaining sections accordingly.

Correct the title.

Representatives Schindler and Ericksen spoke in favor of the adoption of the amendment.

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

The amendment was not adopted.

Representative Schindler moved the adoption of amendment (065):

On page 3, after line 17, insert the following:

"**NEW SECTION. Sec. 4.** If specific funding to teach sexual health education in compliance with the 2005 guidelines for sexual health information and disease prevention, referencing this act by bill or chapter number, is not provided by June 30, 2005, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Schindler and Armstrong spoke in favor of the adoption of the amendment.

Representative Schual-Berke 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.

Representatives Schual-Berke, Tom, Springer, Dickerson, Haigh and Darneille spoke in favor of passage of the bill.

Representatives Bailey, Hinkle, Schindler, Ericksen, Armstrong, Nixon, Ahern and Orcutt, 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. 1282.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1282 and the bill passed the House by the following vote: Yeas - 61, Nays - 36, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby,

Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 61.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, Dunn, Ericksen, Hinkle, Holmquist, Kretz, Kristiansen, McCune, McDonald, Miloscia, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Sump, Talcott and Woods - 36.

Excused: Representative Flannigan - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1282, 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., March 7, 2005, the 57th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

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