

**FIFTY NINTH LEGISLATURE - REGULAR SESSION**

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TENTH DAY

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House Chamber, Olympia, Wednesday, January 19, 2005

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Addie Provenzano and Jacob Alexander. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Anna Joy Grace, Unity Church of Olympia.

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

**MESSAGES FROM THE SECRETARY OF STATE**

Mr. Speaker:

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature Number 330, originally filed with this office on June 17, 2004. On December 28, 2004, the sponsor of the proposed initiative filed 18,854 petition sheets in support of the measure. We have completed our preliminary canvass of these petition sheets and have determined that they contain 319,169 signatures.

Accordingly, pursuant to the provisions of Article II, section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature Number 330 to you at this time. We expect to complete verification of signatures no later than February 4, 2005 and we will provide the Legislature with a final certification as soon as possible thereafter.

IN WITNESS WHEREOF, I have set my hand and affixed the Seal of the State of Washington, this 18<sup>th</sup> day of January, 2005.

SAM REED  
Secretary of State

Mr. Speaker:

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature Number 336, originally filed with this office on August 30, 2004. On December 30, 2004, the sponsor of the proposed initiative filed 17,609 petition sheets in support of the measure. We have completed our preliminary canvass of these petition sheets and have determined that they contain 300,776 signatures.

Accordingly, pursuant to the provisions of Article II, section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature Number 336 to you at this time. We expect to complete verification of signatures no later than February 4, 2005 and we will provide the Legislature with a final certification as soon as possible thereafter.

IN WITNESS WHEREOF, I have set my hand and affixed the Seal of the State of Washington, this 18<sup>th</sup> day of January, 2005.

SAM REED

Secretary of State

There being no objection, Initiative 330 and Initiative 336 were referred to the Committee on Judiciary.

### INTRODUCTION & FIRST READING

HB 1231 by Representatives O'Brien, Pearson, Lovick, Sells, McDonald, Chase and Ormsby

AN ACT Relating to requiring evaluations for offenders serving terms of incarceration under the special sex offender sentencing alternative; reenacting and amending RCW 9.94A.670; providing an effective date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 1232 by Representatives O'Brien, Pearson, Morrell, Lantz, Lovick, Wood, McCune, Wallace and Condotta

AN ACT Relating to clarifying the ability of Washington state patrol officers to engage in private law enforcement off-duty employment in plainclothes for private benefit; and amending RCW 43.43.112.

Referred to Committee on Criminal Justice & Corrections.

HB 1233 by Representatives O'Brien, Pearson, Lantz, Talcott, Kilmer, Lovick, Simpson, Tom, Campbell and Wallace

AN ACT Relating to requiring offenders convicted of luring to register with local law enforcement; amending RCW 9A.44.135, 9A.44.140, 9A.44.145, 4.24.550, 10.01.200, 43.43.540, 70.48.470, and 72.09.330; reenacting and amending RCW 9A.44.130; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1234 by Representatives O'Brien, Pearson, Lantz, Lovick, Williams, Kenney, Campbell, Chase and Wallace

AN ACT Relating to prohibiting the record of a conviction for a sex offense from being vacated; and amending RCW 9.94A.640.

Referred to Committee on Judiciary.

HB 1235 by Representatives O'Brien, Nixon, Lovick, Ericks, Clements, Shabro, Darneille, Miloscia and Springer

AN ACT Relating to homeless encampment siting consultation between counties, cities, and towns; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Housing.

HB 1236 by Representatives O'Brien, Morrell, Miloscia, Lovick, Darneille and Lantz

AN ACT Relating to failing to summon assistance; adding a new section to chapter 9A.36 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 1237 by Representatives Newhouse, Cody, Clements, Bailey, Roach, Morrell, Lovick, Simpson, Murray, Chase, Kagi and Wallace

AN ACT Relating to specialized commercial vehicles used for patient transportation; amending RCW 18.73.030; and creating a new section.

Referred to Committee on Transportation.

HB 1238 by Representatives Blake, Orcutt, McCoy, Takko and Chase

AN ACT Relating to administering flood control zone districts; amending RCW 86.15.060; adding a new section to chapter 86.15 RCW; and declaring an emergency.

Referred to Committee on Local Government.

HB 1239 by Representatives Fromhold, Wallace, Curtis, Dunn and Moeller

AN ACT Relating to the leasehold excise tax exemption for certain historical property; and amending RCW 35.21.755.

Referred to Committee on Finance.

HB 1240 by Representatives Kessler and DeBolt

AN ACT Relating to real estate excise tax fees and electronic processing of affidavits; amending RCW 82.45.180; creating a new section; and providing an effective date.

Referred to Committee on Local Government.

HB 1241 by Representatives Fromhold, Curtis, Moeller, Wallace, Sommers, McIntire and Murray

AN ACT Relating to vehicle licensing and registration; amending RCW 46.63.020; reenacting and amending RCW 46.16.010; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 1242 by Representatives Linville, Jarrett, Miloscia, Tom, Haigh, Sommers, Pettigrew, Pearson, Clibborn, Kristiansen, O'Brien, Orcutt, Quall, Morris, Lantz, Wallace, Kagi, Grant, Morrell, Chase, Springer, Lovick, Kessler, Dunshee, Appleton, P. Sullivan, Kilmer, Hunter, Upthegrove, Williams, Roberts, Dickerson, Sells, Eickmeyer, Nixon, Kenney and Ormsby

AN ACT Relating to focusing the state budgeting process on outcomes and priorities; amending RCW 43.88.090 and 43.88.030; adding a new section to chapter 43.88 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1243 by Representatives Green, Cody, Morrell, Appleton, Moeller, Darneille, Lovick, Kessler, Dickerson, Campbell, Linville, Chase, Ormsby, Haigh and Santos

AN ACT Relating to increasing patient safety through disclosure and analysis of adverse events; amending RCW 5.64.010; adding a new chapter to Title 70 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1244 by Representatives Hunter, Roach, Kirby, Strow, Kristiansen, Serben, P. Sullivan and Tom

AN ACT Relating to establishing mortgage broker branch offices; and amending RCW 19.146.265.

Referred to Committee on Financial Institutions & Insurance.

HB 1245 by Representatives B. Sullivan, Blake, Roberts, O'Brien, P. Sullivan, Nixon and Springer

AN ACT Relating to improving opportunities to develop outdoor recreational ballfields on agricultural land; amending RCW 79A.25.800, 79A.25.820, 36.70A.060, and 36.70A.177; adding a new section to chapter 36.70A RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Local Government.

HB 1246 by Representatives Dunshee, Pearson, Lovick, Kristiansen, Morrell, P. Sullivan, Murray, Wallace, Chase and Ormsby

AN ACT Relating to vehicle sound system equipment; adding a new section to chapter 46.37 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1247 by Representatives Morris and Schindler

AN ACT Relating to charging manufactured housing communities for water and sewer connections; and amending RCW 35.91.040, 36.94.140, and 57.08.081.

Referred to Committee on Housing.

HB 1248 by Representatives Woods, Appleton, Kilmer and Anderson

AN ACT Relating to adding an additional port district member to the executive board of regional transportation planning organizations; and amending RCW 47.80.060.

Referred to Committee on Transportation.

HB 1249 by Representatives Upthegrove, Morrell, McCoy and Linville

AN ACT Relating to small trailer license fees and trip permits; amending RCW 46.63.020; reenacting and amending RCW 46.16.0621; adding new sections to chapter 46.16 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

HB 1250 by Representatives Upthegrove, Hinkle, Sells, Holmquist, B. Sullivan, Roberts, Schual-Berke, Chase and Condotta

AN ACT Relating to increasing the operating fee waiver authority for Central Washington University; and amending RCW 28B.15.910.

Referred to Committee on Higher Education.

HB 1251 by Representatives Santos, Roach, Kirby, Morrell, Simpson, Hasegawa, P. Sullivan and McIntire

AN ACT Relating to tax refund anticipation loans; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1252 by Representatives Quall, Curtis, Anderson, Talcott, Eickmeyer, Kirby, Haigh, DeBolt, Dunshee, McDonald, Morrell, Buri, Miloscia, Rodne, Lovick, O'Brien, Shabro, P. Sullivan, Wood, Sells, Chase, Ormsby and Kilmer

AN ACT Relating to family and consumer science education; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

HB 1253 by Representatives Kirby and Hunt

AN ACT Relating to designated smoking area requirements; and amending RCW 70.160.040 and 70.160.050.

Referred to Committee on Health Care.

HB 1254 by Representatives Wood, Jarrett, Simpson, B. Sullivan, Wallace, Kilmer, Hankins, Haler, Hunter, Morrell, Lovick, Nixon and Ormsby

AN ACT Relating to the "share the road" special license plate; reenacting and amending RCW 46.16.313; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

HB 1255 by Representatives B. Sullivan, Orcutt, Grant, Clements, Crouse, Sump, Fromhold, Lovick, O'Brien, Schual-Berke, Linville, Morris, Roach, Morrell, Chase and Hunter

AN ACT Relating to the taxation of temporary staffing services; amending RCW 82.04.460, 82.04.290, and 82.08.054; reenacting and amending RCW 82.04.190 and 82.08.050; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Finance.

HB 1256 by Representatives Roach, Holmquist and Schindler

AN ACT Relating to the disestablishment of provisional ballots; amending RCW 29A.04.008, 29A.04.470, 29A.08.625, 29A.44.090, and 29A.60.140; and repealing RCW 29A.44.265.

Referred to Committee on State Government Operations & Accountability.

HB 1257 by Representatives Roach, Kirby, Newhouse, Simpson, Holmquist, Haler, Upthegrove, O'Brien and Nixon

AN ACT Relating to motorcycle or motor-driven cycle insurance coverage; and amending RCW 48.22.030.

Referred to Committee on Financial Institutions & Insurance.

HB 1258 by Representatives Simpson, Nixon, Upthegrove, Haler, Murray, O'Brien, Sells, Condotta, Buck, Campbell and Kilmer

AN ACT Relating to meeting commute trip reduction goals by providing preferential motorcycle parking; and amending RCW 70.94.531.

Referred to Committee on Transportation.

HB 1259 by Representatives Wallace and Woods; by request of Department of Licensing

AN ACT Relating to technical corrections to chapter 46.87 RCW; amending RCW 46.87.010, 46.87.020, 46.87.030, 46.87.050, 46.87.070, 46.87.080, 46.87.120, 46.87.130, 46.87.140, and 46.87.190; and repealing RCW 46.87.085, 46.87.170, 46.87.180, and 46.87.901.

Referred to Committee on Transportation.

HB 1260 by Representatives Jarrett, Clibborn, Pettigrew and Wallace; by request of Department of Licensing

AN ACT Relating to driver's license examinations; amending RCW 46.20.120; adding new sections to chapter 46.20 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1261 by Representatives Morrell, Haigh, Wallace, Campbell, O'Brien, McCoy, Moeller, Kenney, Hasegawa, Green, Lantz, Flannigan, Williams, Dunshee, B. Sullivan, Kilmer, Strow, Upthegrove, Darneille, Springer, Hunt, Sells, P. Sullivan, Tom, Talcott, McCune, Serben, McDonald, Conway, Linville, Kristiansen, Chase, Ormsby, Santos and Kagi

AN ACT Relating to the joint committee on veterans' and military affairs; and amending RCW 73.04.150.

Referred to Committee on State Government Operations & Accountability.

HB 1262 by Representatives Takko, Walsh, Blake and Wallace; by request of Board For Judicial Administration

AN ACT Relating to judicial compensation; and amending RCW 2.08.180.

Referred to Committee on Judiciary.

HB 1263 by Representatives Upthegrove, Hunt, Williams, Dickerson, Dunshee, McCoy, Simpson and Chase

AN ACT Relating to hydraulic project approvals; amending RCW 76.09.030, 77.12.170, 43.135.055, and 77.15.300; adding new sections to chapter 77.55 RCW; adding a new section to chapter 76.09 RCW; creating a new section; and repealing RCW 77.55.140.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 1264 by Representatives Kenney, Wood, Chase, Sells, Dickerson, Kessler, Kirby, Conway, Morrell, Hunt, Hasegawa, Santos, Kagi and McIntire

AN ACT Relating to noncompetition agreements involving the broadcasting industry; adding a new section to chapter 49.44 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1265 by Representatives Murray, Woods and Kenney; by request of Department of Licensing

AN ACT Relating to the administrative review of the withholding of the driving privilege by the department of licensing; amending RCW 46.20.265, 46.20.270, 46.20.285, 46.20.289, 46.20.291, 46.20.324, 46.20.334, 46.20.342, and 46.64.025; adding a new section to chapter 46.20 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1266 by Representatives Murray, Woods and Kenney; by request of Department of Licensing

AN ACT Relating to positive drug or alcohol test results of commercial motor vehicle operators; amending RCW 46.25.010, 46.25.123, 46.25.125, and 46.25.090; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1267 by Representatives Sommers, Kenney, Jarrett, Fromhold, Priest, Lantz, O'Brien, Buri, Roberts, Ericks, Orcutt, Sells, Ormsby, McIntire, Moeller, Walsh, Rodne, Curtis, Flannigan, Hunter, Miloscia, Hasegawa, Dickerson, Tom, Murray, Wallace, Newhouse, Chase and Santos

AN ACT Relating to authorizing branch campuses to offer lower-division courses; amending RCW 28B.45.014, 28B.45.020, 28B.45.030, and 28B.45.040; and creating a new section.

Referred to Committee on Higher Education.

HB 1268 by Representatives Schual-Berke, Jarrett, Tom, Sommers, Dickerson, Cody, Hankins, Murray, Hudgins, B. Sullivan, Fromhold, Halder, Appleton, Wallace, Kagi, Dunshee, Springer, Upthegrove, Kenney, Quall, Pettigrew, Morris, Darneille, Moeller, Morrell, Hunt, Lovick, Kessler, Williams, Roberts, Chase, Santos and McIntire

AN ACT Relating to stem cell research; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Health Care.

HB 1269 by Representatives Conway, Curtis, Simpson, Hinkle, Upthegrove, Moeller, Morrell, Green, O'Brien, P. Sullivan, Kenney, McDonald, Campbell, Chase, B. Sullivan, Ormsby, Kilmer, McCoy, Jarrett, Wallace, Serben and Strow; by request of LEOFF Plan 2 Retirement Board

AN ACT Relating to permitting members of the law enforcement officers' and fire fighters' retirement system plan 2 to make a one-time purchase of additional service credit; adding a new section to chapter 41.26 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 1270 by Representatives Curtis, Simpson, Conway, Hinkle, Upthegrove, Morrell, Moeller, Green, O'Brien, P. Sullivan, McDonald, Campbell, Chase, B. Sullivan, Ormsby, Kilmer, McCoy, Jarrett, Serben and Strow; by request of LEOFF Plan 2 Retirement Board

AN ACT Relating to suspending a retirement allowance upon reemployment; amending RCW 41.26.500 and 41.26.500; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1271 by Representatives Simpson, Curtis, Conway, Hinkle, Morrell, Moeller, Green, O'Brien, P. Sullivan, Kenney, McDonald, Campbell, Chase, B. Sullivan, Ormsby, Kilmer, McCoy, Jarrett, Serben and Strow; by request of LEOFF Plan 2 Retirement Board

AN ACT Relating to receiving a disability allowance under the law enforcement officers' and fire fighters' retirement system, plan 2; amending RCW 41.26.470; and declaring an emergency.

Referred to Committee on Appropriations.

HB 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, Darnelle, Miloscia, Green, O'Brien, P. Sullivan, Anderson, Kenney, Murray, Wallace, Ormsby, Haigh, Kagi and McIntire

AN ACT Relating to high-performance green buildings; adding a new section to chapter 39.04 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28A.150 RCW; and adding a new chapter to Title 39 RCW.

Referred to Committee on Capital Budget.

HB 1273 by Representatives Grant, Walsh, Holmquist, Linville, Appleton, Kessler and P. Sullivan

AN ACT Relating to downtown and neighborhood commercial district revitalization; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 43 RCW; and creating new sections.

Referred to Committee on Economic Development, Agriculture & Trade.



HB 1274 by Representatives Orcutt, Ahern, Dunn, Haler, Kristiansen, Roach, Kenney, Strow, Kretz, Holmquist, Newhouse and Hinkle

AN ACT Relating to a business and occupation tax credit for the provision of certain mental health services; adding a new section to chapter 82.04 RCW; and declaring an emergency.

Referred to Committee on Finance.

HB 1275 by Representatives Orcutt, Ahern, Dunn, Haler, Kristiansen, Roach, Strow, Campbell, Kretz, Holmquist, Newhouse and Hinkle

AN ACT Relating to reducing the business and occupation taxation of medical services; amending RCW 82.04.290; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

HB 1276 by Representatives Grant, Holmquist, Kessler, Uptegrove, Walsh, Linville, Nixon, Hinkle, Buri, Newhouse, Orcutt, Kristiansen, Campbell, Hankins, McDonald, Talcott, Bailey, Shabro, Skinner, Roach, Haigh, McCune, Kretz, Hunter, Moeller, Miloscia, Williams, O'Brien, Schindler, P. Sullivan, Blake, Anderson, Buck, Wallace, Chase, Condotta and Santos

AN ACT Relating to the governor's signature on significant legislative rules; and amending RCW 34.05.360.

Referred to Committee on State Government Operations & Accountability.

HB 1277 by Representatives Strow, Green, Ericks, Kretz, Pearson, Holmquist, Buri, Quall, Rodne, Condotta, Bailey, Ahern, Darneille, O'Brien, Kirby, Serben, Hasegawa, Tom, Ericksen, Kristiansen, Roach, Campbell, Wallace and Ormsby

AN ACT Relating to registration requirements for sex offenders and kidnapping offenders; and reenacting and amending RCW 9A.44.130.

Referred to Committee on Criminal Justice & Corrections.

HB 1278 by Representatives Kagi, Hinkle, Clibborn, Dickerson, Roach, Schual-Berke, P. Sullivan, Pettigrew, Orcutt, Darneille, Roberts, Kenney, Wallace, Chase and Santos

AN ACT Relating to the investigation of child abuse and neglect; and amending RCW 74.13.031.

Referred to Committee on Children & Family Services.

HB 1279 by Representatives Kagi, Hinkle, Dickerson, McDonald, Clibborn, P. Sullivan, Pettigrew, Roach, Orcutt, Morrell, Kenney, Wallace and Chase

AN ACT Relating to public access to child in need of services and at-risk youth hearings; and amending RCW 13.32A.200.

Referred to Committee on Juvenile Justice & Family Law.

HB 1280 by Representatives Pettigrew, Hinkle, Kagi, Walsh, Schual-Berke, McDonald, Clibborn, Dickerson, P. Sullivan, Roach, Orcutt, Darneille, Morrell, Wallace and Santos

AN ACT Relating to the kinship care oversight committee; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Children & Family Services.

HB 1281 by Representatives Pettigrew, Hinkle, Kagi, Walsh, Schual-Berke, McDonald, Clibborn, Dickerson, Dunn, P. Sullivan, Orcutt, Darneille, Morrell, Campbell, Wallace and Chase

AN ACT Relating to adding to the list of persons who may give informed consent to medical care for minors and providing immunity to health care providers and facilities for reliance on the representation of a person claiming to be responsible for the care of the minor; amending RCW 7.70.065; and creating a new section.

Referred to Committee on Children & Family Services.

HB 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

AN ACT Relating to sexual health education; adding a new section to chapter 70.24 RCW; and creating new sections.

Referred to Committee on Health Care.

HJM 4004 by Representatives Roach, Newhouse, Holmquist, Serben, Ahern and Condotta

Requesting Congress to support social security reform.

Referred to Committee on Children & Family Services.

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

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

There being no objection, the House adjourned until 9:55 a.m., January 20, 2005, the 11th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

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HOUSE OF REPRESENTATIVES (Representative Lovick presiding)

Message from the Secretary of Senate . . . . . 1

