

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

House Chamber, Olympia, Monday, February 7, 2005

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages John Baran and Kristen Larkin. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Mark Johnson, Minister, Olympia Church of God.

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

The Speaker assumed the chair.

INTRODUCTION & FIRST READING

HB 1788 by Representatives Condotta, Holmquist, Newhouse, Sump, Clements, Crouse, Kretz, Schindler, Kristiansen, Armstrong, Anderson, Talcott, Shabro, Rodne, Haler, Dunn, Nixon, Hinkle, Woods, Bailey and Ahern

AN ACT Relating to using the implicit price deflator to adjust the minimum wage rate; amending RCW 49.46.020; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1789 by Representatives Condotta, Armstrong, Holmquist, Newhouse, Sump, Clements, Kretz, Crouse, Kristiansen, Schindler, Talcott, Shabro, Rodne, Buri, Haler, Dunn, Nixon, Hinkle, Woods, Strow, Bailey and Ahern

AN ACT Relating to modifying the inflationary adjustment to the minimum wage; amending RCW 49.46.010 and 49.46.020; creating a new section; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1790 by Representatives Condotta, Armstrong, Holmquist, Newhouse, Sump, Kretz, Clements, Crouse, Kristiansen, Schindler, Talcott, Shabro, Rodne, Buri, Haler, Dunn, Nixon, Hinkle, Woods, Bailey and Ahern

AN ACT Relating to setting a competitive minimum wage rate; amending RCW 49.46.020 and 49.46.010; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1791 by Representatives Dunshee, Schual-Berke, Kenney, Hankins, Lovick, Morrell, Wood, Kagi, Simpson, McDonald, Eickmeyer, Appleton, O'Brien, Ormsby, DeBolt, Wallace, Upthegrove, Strow, Moeller, Jarrett, Kessler, Miloscia, Murray, Cody, Conway, McCune, Lantz, P. Sullivan, Tom, Ericks, Haigh, McDermott, Hasegawa and Linville

AN ACT Relating to the developmental disabilities community trust account; amending RCW 43.84.092; reenacting and amending RCW 43.84.092; adding new sections to chapter 71A.20 RCW; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1792 by Representatives Pettigrew, Santos, Dickerson, Haler, Simpson, Darneille, O'Brien, Murray, Lantz, Chase, Kenney, Kagi, Hasegawa, Moeller and Hudgins

AN ACT Relating to the use of physical restraint in the common schools; amending RCW 28A.400.110; adding a new section to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Education.

HB 1793 by Representatives Simpson, P. Sullivan, Dunshee and Ericks

AN ACT Relating to allowing fire protection facilities to use impact fees; and amending RCW 82.02.090.

Referred to Committee on Local Government.

HB 1794 by Representatives Kenney, Cox, Sommers, Fromhold, Priest, Sells, Moeller, Hasegawa, Conway, Ormsby, McCoy, Roberts, Kessler, Darneille, O'Brien, Murray, Dickerson, Lantz, Williams, Chase, Hunter, Lovick, Dunshee, Kagi, Morrell, Haigh, McDermott, Wood and Hudgins

AN ACT Relating to expanding access to baccalaureate degree programs; amending RCW 28B.45.014, 28B.45.020, 28B.45.030, 28B.45.040, 28B.50.020, 28B.50.030, 28B.50.140, 28B.15.069, and 28B.76.230; adding a new section to chapter 28B.50 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

HB 1795 by Representatives B. Sullivan, Condotta, Talcott, Shabro, Haler, Dunn, Nixon, Holmquist, Walsh, Bailey, Kristiansen, Kretz and Linville

AN ACT Relating to employee wages and benefits; amending RCW 49.46.010 and 49.46.020; adding a new section to chapter 49.46 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1796 by Representatives Chase, Skinner, Grant, Clements, Newhouse, Quall, Eickmeyer, Wallace, Holmquist, Hinkle and Hunt

AN ACT Relating to extending the date when counties which have authorized facilities for agriculture promotion must allow a credit for city lodging taxes; and amending RCW 67.28.180.

Referred to Committee on Finance.

HB 1797 by Representatives Kirby and Roach

AN ACT Relating to the vehicle protection product act; adding a new chapter to Title 48 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 1798 by Representatives Simpson, Skinner, Lovick, Armstrong, B. Sullivan, Schindler, Upthegrove, Murray and Hudgins

AN ACT Relating to motorist information sign panels; amending RCW 47.36.310; and repealing RCW 47.36.325.

Referred to Committee on Transportation.

HB 1799 by Representatives B. Sullivan and Upthegrove

AN ACT Relating to park rangers employed by the state parks and recreation commission; and amending RCW 10.93.020, 10.93.140, 41.26.030, and 79A.05.160.

Referred to Committee on Criminal Justice & Corrections.

HB 1800 by Representatives Kilmer, Crouse and Chase

AN ACT Relating to prohibiting the utilities and transportation commission and its staff in an adjudicative proceeding from participating in settlement conferences that are not open to other parties and governing treatment of nonunanimous settlements; adding new sections to chapter 80.01 RCW; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 1801 by Representatives Grant, Kretz, Linville, Orcutt, Morrell, Buri, Quall, Kristiansen, Holmquist, Cox, Hasegawa, McCune, Eickmeyer, Condotta, Dunn, Walsh, Haigh and Newhouse

AN ACT Relating to a state real estate excise tax exemption for certain farm and agricultural land; amending RCW 82.45.100, 82.46.010, 82.46.070, and 82.46.075; adding a new section to chapter 82.45 RCW; adding a new section to chapter 82.46 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 1802 by Representatives Kilmer, Walsh, Pettigrew, Strow, Wallace, Kenney, Clibborn, Hankins, McCoy, Haler, Blake, McCune, Linville, P. Sullivan, Grant, Kessler, Simpson, Morrell, Williams, O'Brien, Lantz, Eickmeyer, Chase, Haigh, Hasegawa, Hudgins and Moeller

AN ACT Relating to property tax exemptions for nonprofit organizations for small business incubators which assist in the creation and expansion of innovative small commercial enterprises; amending RCW 84.36.810; adding new sections to chapter 84.36 RCW; and creating new sections.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 1803 by Representatives Darneille, Kagi, Lantz, Pettigrew, Simpson, Chase, Santos, McDermott, Hasegawa and Moeller

AN ACT Relating to removing second degree robbery from the definition of most serious offense; amending RCW 9.94A.030; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 1804 by Representatives Ericksen, Nixon, Schindler, McCune, Simpson, Williams, Anderson, Armstrong, Campbell, Kretz and Moeller

AN ACT Relating to notices to renew concealed pistol licenses; and amending RCW 9.41.070.

Referred to Committee on Judiciary.

HB 1805 by Representatives P. Sullivan, Hasegawa, Linville, Pettigrew, Hankins, Kessler, Simpson, Ormsby, Kilmer, Schual-Berke and Eickmeyer; by request of Governor Gregoire

AN ACT Relating to the linked deposit program; amending RCW 43.86A.030, 43.86A.060, 39.19.240, and 43.63A.690; adding a new section to chapter 43.86A RCW; creating a new section; and repealing RCW 43.131.381 and 43.131.382.

Referred to Committee on Financial Institutions & Insurance.

HB 1806 by Representatives Kenney, Haigh, Kessler, Morrell, Dickerson, Williams, P. Sullivan, Ericks, Anderson, McDermott, Wood, Linville, Moeller and Hudgins; by request of Governor Gregoire

AN ACT Relating to encouraging the ethical transfer of technology for the economic benefit of the state; amending RCW 42.52.010, 42.52.030, 42.52.200, and 42.52.360; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government Operations & Accountability.

HB 1807 by Representatives DeBolt, Blake, Woods, Haler, Grant, Nixon, McCune, Wood, Orcutt, Ericksen, Schindler, Armstrong, Eickmeyer, Campbell, Condotta and Kretz

AN ACT Relating to motorcycle helmet use; and amending RCW 46.37.530 and 46.37.535.

Referred to Committee on Transportation.

HB 1808 by Representatives Conway, Fromhold, Linville, Green, Wood, Appleton, Miloscia, Hudgins, Cody, Kagi, Simpson, Talcott, Flannigan, Cox, Morrell, McCoy, Dunshee, Kirby, Lovick, Schual-Berke, Santos, Kenney, Haigh, McDermott and Moeller

AN ACT Relating to electing to receive remuneration for sick leave at time of separation or dismissal; and amending RCW 41.04.340.

Referred to Committee on Appropriations.

HB 1809 by Representatives Kirby, Simpson, Morrell, O'Brien, Conway, Linville and Moeller; by request of Insurance Commissioner

AN ACT Relating to stabilizing the cost of medical malpractice insurance; adding a new chapter to Title 48 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1810 by Representatives Miloscia, Hunt, Simpson, Darneille, Ormsby, O'Brien, Chase, Santos, Kagi, McDermott and Hasegawa

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

Referred to Committee on Housing.

HB 1811 by Representatives Wood, Condotta, Conway, Kirby, Crouse, Hunt, Cox and Williams

AN ACT Relating to licensing of soil scientists; adding a new section to chapter 18.220 RCW; adding a new chapter to Title 18 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1812 by Representatives Nixon, Morris, Simpson, McCune, P. Sullivan, Chase, Williams, Hunter, Dunn, Kilmer, Murray, Cody, Haler, B. Sullivan, Kenney, Dickerson, Woods, Strow, Quall, Morrell, McDonald, Ericks, Haigh, Hudgins, McDermott, McCoy, Wallace, Roach and Moeller

AN ACT Relating to computer crimes; amending RCW 19.190.010; adding new sections to chapter 19.190 RCW; and prescribing penalties.

Referred to Committee on Technology, Energy & Communications.

HB 1813 by Representatives Williams, DeBolt, Hunt and Moeller

AN ACT Relating to increasing the maximum term of rural, island, and intercounty rural district general obligation bonds; and amending RCW 27.12.222.

Referred to Committee on Local Government.

HB 1814 by Representatives Williams, Campbell, Kirby, Wood, Jarrett, Lantz, Flannigan, Rodne, Hunt, Simpson, Morrell, Lovick, Dunshee and Linville

AN ACT Relating to mandatory arbitration; amending RCW 7.06.010; and reenacting and amending RCW 7.06.020.

Referred to Committee on Judiciary.

HB 1815 by Representatives Wallace, Skinner, Pettigrew, Rodne, Kilmer, Ahern, Blake, McCoy, Anderson, Walsh, Lovick, Hudgins, Appleton, Strow, Murray, B. Sullivan, Simpson, Kessler, Williams, O'Brien, Conway, Morris, Linville, Lantz and Moeller

AN ACT Relating to a small business incubator competitive grant program; amending RCW 43.176.020; adding a new section to chapter 43.176 RCW; and making appropriations.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 1816 by Representatives Conway and Wood

AN ACT Relating to medical aid fees; amending RCW 51.04.030 and 51.04.030; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 1817 by Representatives B. Sullivan, Ericks, Hinkle, Simpson, Buck, Murray, Hankins, Williams, Haigh and McDermott

AN ACT Relating to ensuring the lawful transport and handling of recyclable materials; amending RCW 70.95.030 and 70.95.305; reenacting and amending RCW 70.95.020; adding new sections to chapter 70.95 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 1818 by Representatives Haler, O'Brien, Moeller, Schual-Berke, Dunshee, Simpson, Darneille and McCoy

AN ACT Relating to local public health standards funding; creating a new section; and making appropriations.

Referred to Committee on Appropriations.

HB 1819 by Representatives Lovick, Moeller, Darneille, Flannigan and Chase

AN ACT Relating to sealing felony records that have been vacated; amending RCW 9.94A.640; and creating a new section.

Referred to Committee on Judiciary.

HB 1820 by Representative Kagi

AN ACT Relating to providing an exemption from liability under the model toxics control act; and amending RCW 70.105D.040.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 1821 by Representative Kagi

AN ACT Relating to the nature of coverage under the heating oil pollution liability protection act; amending RCW 70.149.050 and 70.149.080; and providing an expiration date.

Referred to Committee on Financial Institutions & Insurance.

HB 1822 by Representatives Kagi and Dickerson

AN ACT Relating to toxic shot; amending RCW 77.08.010 and 77.12.320; adding a new section to chapter 77.15 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 1823 by Representatives Kretz, Serben, McCune, Armstrong, Rodne, Buri, Clements, Cox, Sump, Haler, Pettigrew, Grant, Holmquist, Walsh, Strow, Haigh and Kristiansen

AN ACT Relating to assisting the economic development of underserved rural communities by assisting an owner or operator that has discontinued using an underground petroleum storage tank; amending RCW 70.148.120 and 70.148.020; making an appropriation; and providing an expiration date.

Referred to Committee on Financial Institutions & Insurance.

HB 1824 by Representatives Kilmer, Lantz, Appleton, Quall, Darneille, Morris, Kagi, Haigh and McDermott

AN ACT Relating to ferry fares; and amending RCW 47.60.326.

Referred to Committee on Transportation.

HB 1825 by Representatives Kilmer, Skinner, Pettigrew, Haler, Wallace, Kenney, Clibborn, Jarrett, Morrell, Hankins, P. Sullivan, Buri, McCoy, Linville, Grant, Blake, Kessler, Simpson, Conway, Rodne and Kagi

AN ACT Relating to providing a source of funding for customized work force training; amending RCW 43.163.020; adding a new section to chapter 82.32 RCW; and adding a new chapter to Title 28C RCW.

Referred to Committee on Higher Education.

HB 1826 by Representatives Holmquist, Hinkle, Morrell and Dunn

AN ACT Relating to improving the state's air quality by encouraging alternative markets for Washington's agricultural industries; amending RCW 19.112.010, 82.12.955, 82.08.955, and 84.36.635; reenacting and amending RCW 82.29A.135 and 82.04.260; adding a new section to chapter 19.112 RCW; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 1827 by Representatives Wood, Condotta, McCoy, Crouse and Conway

AN ACT Relating to financing practices of motor vehicle dealers; and amending RCW 46.70.180.

Referred to Committee on Commerce & Labor.

HB 1828 by Representatives Dunn, Wallace, Curtis, Pettigrew, Takko, McCune and Flannigan

AN ACT Relating to nuisance abatement powers of county governments; and amending RCW 36.32.120.

Referred to Committee on Local Government.

HB 1829 by Representatives Appleton, Lantz, Lovick, Hasegawa, Flannigan, Moeller, Darneille, McCoy and Simpson

AN ACT Relating to records of conviction for misdemeanor and gross misdemeanor offenses; and amending RCW 9.96.060.

Referred to Committee on Judiciary.

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

REPORTS OF STANDING COMMITTEES

February 2, 2005

HB 1058 Prime Sponsor, Dickerson: Revising provisions relating to mental health treatment for minors. Reported by Committee on Juvenile Justice & Family Law

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

Passed to Committee on Rules for second reading.

February 3, 2005

HB 1062 Prime Sponsor, Morris: Regulating the energy efficiency of certain products. Reported by Committee on Technology, Energy & Communications

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

MINORITY recommendation: Do not pass. Signed by Representatives Nixon. Passed to Committee on Rules for second reading.

February 3, 2005

HB 1072 Prime Sponsor, Lovick: Including salts, isomers, and salts of isomers in controlled substances provisions. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Kirby and Strow.

Passed to Committee on Rules for second reading.

February 3, 2005
HB 1081 Prime Sponsor, McDonald: Requiring prehire screening for law enforcement applicants. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Kirby and Strow.

Passed to Committee on Rules for second reading.

February 2, 2005
HB 1082 Prime Sponsor, Moeller: Reorganizing provisions concerning mental health services for minors. Reported by Committee on Juvenile Justice & Family Law

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

Passed to Committee on Rules for second reading.

February 3, 2005
HB 1113 Prime Sponsor, Wallace: Regulating traffic signal preemption devices. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Kirby and Strow.

Passed to Committee on Rules for second reading.

February 3, 2005
HB 1136 Prime Sponsor, O'Brien: Ordering a study of electronic monitoring systems. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi; Kirby and Strow.

Passed to Committee on Rules for second reading.

February 3, 2005

HB 1196 Prime Sponsor, Kirby: Including the longshore and harbor workers' compensation account within the Washington insurance guaranty association. Reported by Committee on Financial Institutions & Insurance

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

Passed to Committee on Rules for second reading.

February 3, 2005

HB 1197 Prime Sponsor, Roach: Regulating insurance, generally. Reported by Committee on Financial Institutions & Insurance

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

Passed to Committee on Rules for second reading.

February 3, 2005

HB 1308 Prime Sponsor, Conway: Providing additional funding to the prevailing wage program of the department of labor and industries by discontinuing the transfer of moneys from the public works administration account to the general fund-state account. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Crouse; Hudgins and McCoy.

Referred to Committee on Appropriations.

February 3, 2005

HB 1331 Prime Sponsor, Conway: Requiring electrical contractors to be licensed before advertising. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Sump,

Assistant Ranking Minority Member; Crouse; Hudgins and McCoy.

Passed to Committee on Rules for second reading.

February 3, 2005

HB 1409 Prime Sponsor, Condotta: Revising provisions relating to contract liquor stores. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Crouse; Hudgins and McCoy.

Passed to Committee on Rules for second reading.

February 3, 2005

HB 1410 Prime Sponsor, Conway: Revising provisions relating to disbursement of liquor revolving fund moneys for the purpose of funding alcohol education programs. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Crouse; Hudgins and McCoy.

Referred to Committee on Appropriations.

February 3, 2005

HJM 4001 Prime Sponsor, Hudgins: Requesting Congress to develop Emergency 911 standards for Voice Over Internet Protocol service. Reported by Committee on Technology, Energy & Communications

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

Passed to Committee on Rules for second reading.

February 3, 2005

HJR 4205 Prime Sponsor, Schual-Berke: Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy. Reported by Committee on Education

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

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. 1276, By Representatives Grant, Holmquist, Kessler, Upthegrove, 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

Requiring the governor's signature on significant legislative rules.

The bill was read the second time. There being no objection, Substitute House Bill No. 1276 was not substituted for House Bill No. 1276.

Representative Hunt moved the adoption of amendment (019):

On page 1, line 17, after "agency" strike "that is under he authority of" and insert "whose head or governing body is appointed by"

Representatives Hunt and Nixon spoke in favor of the adoption of the amendment.

The amendment 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 Grant, Holmquist, Haigh, Nixon and Santos 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. 1276.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1276 and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representative McDermott - 1.

Excused: Representatives Blake, Crouse, Schindler and B. Sullivan - 4.

ENGROSSED HOUSE BILL NO. 1276, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1069, By Representatives McIntire, Conway, Priest, Upthegrove, Kilmer, Moeller, Dickerson, Williams, Schual-Berke, Nixon, Springer, Sells, P. Sullivan, Green, Lovick, Kenney, Haigh, Wallace, Kagi, Simpson, Linville, Morris, Wood, Hunter, Lantz, Hudgins, Ericks, Darneille, Clibborn, Sommers, Morrell, Takko, O'Brien, Appleton, Hunt, Santos, Ormsby, Murray and Chase

Requiring performance audits for tax preferences.

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (010):

On page 1, beginning on line 7, after "interest." strike all material through "interest." on line 12, and insert "The purpose of this act is to establish a process for review of each tax preference every ten years, with a report to the legislature on how the preference can be improved."

On page 4, beginning on line 28, after "modification" strike all material through "immediately" on line 29, and insert "or modified to improve the effectiveness of the preference"

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

Representative McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Nixon moved the adoption of amendment (018):

On page 1, beginning on line 13, strike all of section 2 and insert the following:

"NEW SECTION. Sec. 2. As used in this chapter, "tax preference" means a state preference either for the creation, expansion, or continuation of a state tax, the base of a state tax, or the rate of a state tax, or for the creation, expansion, or continuation of an exemption, exclusion, or deduction from the base of a state tax, a credit against a state tax, a deferral of a state tax, or a reduced state tax rate."

POINT OF ORDER

Representative Hunt requested a scope and object ruling on the amendment (018) to House Bill No. 1069.

SPEAKER'S RULING

Mr. Speaker: "House Bill No. 1069 is entitled an act relating to "performance audits of tax preferences." The bill creates a citizen commission to develop a schedule for periodic review of tax preferences and requires the Joint Legislative Audit and Review Committee to conduct the actual review of tax preferences according to specified criteria.

As noted in the bill report, "tax exemptions, exclusions, deductions, credits, deferrals, and preferential rates are known as tax preferences." The Department of Revenue publishes a report on tax preferences every four years. And, in 1982 the Legislature enacted legislation that initiated a sunset review of tax preferences. This department report and prior legislation are limited to the commonly understood definition of tax preferences quoted above.

Amendment (018), however, attempts to expand the definition of tax preference to include tax legislation unrelated to exemptions, exclusions, deductions, credits, deferrals and preferential rates. In so doing, the amendment goes beyond the statutory and commonly accepted definition of tax preferences, and is therefore beyond the scope and object of the bill.

Representative Hunt, the point of order is well taken."

Representative Roach moved the adoption of amendment (013):

On page 2, strike lines 4 through 18, and insert the following:
 "(a) one member is the chair of the joint legislative audit and review committee, who is a nonvoting member; and
 (B) six members appointed by the governor as follows:
 (I) one person representing small businesses with fewer than fifty employees;
 (ii) one person representing large businesses with fifty or more employees;
 (Iii) one person representing agriculture;
 (Iv) one person representing labor;
 (V) one tax specialist from a public university; and

(Vi) one tax specialist from the private sector.

(3)(a) appointees representing small and large businesses must be filled from lists of nominees submitted by statewide business organizations representing a cross-section of industries.

(B) the appointee representing agriculture must be filled from lists of nominees submitted by statewide organizations representing agricultural businesses.

(C) the appointee representing labor must be filled from lists of nominees submitted by statewide labor organizations representing a cross-section of industries."

Representatives Roach and Orcutt spoke in favor of the adoption of the amendment.

Representatives McIntire and Conway spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (014):

On page 3, line 16, after "law," insert "the small business credit for the business and occupation tax, sales and use tax exemptions for food and prescription drugs, property tax relief for retired persons, and property tax valuations based on current use,"

Representatives Orcutt and McIntire spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment (015) was withdrawn.

Representative Orcutt moved the adoption of amendment (016):

On page 3, line 16, after "law," insert "sales and use tax exemptions for machinery and equipment for manufacturing, research and development, or testing,"

Representatives Orcutt and Ahern spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Ahern moved the adoption of amendment (011):

On page 4, after line 10, insert the following:

"(e) The extent to which terminating the tax preference may have negative effects on the category of taxpayers that currently benefit from the tax preference, and the extent to which resulting higher taxes may have negative effects on employment and the economy;"

Reletter the following subsections accordingly.

Representatives Ahern and McIntire spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Ahern moved the adoption of amendment (012):

On page 4, after line 10, insert the following:

"(e) The extent to which the tax preference may provide unintended benefits to an individual, organization, or industry other than those the legislature intended;"

Reletter the following subsections accordingly.

Representatives Ahern and McIntire spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment (017) was withdrawn.

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 McIntire, Kenney, Takko, Moeller, Nixon and Morris spoke in favor of passage of the bill.

POINT OF ORDER

Representative Chandler: "Mr. Speaker, I believe the speaker has drifted off the subject."

SPEAKER'S RULING

Mr. Speaker: "I would ask the speaker to speaker to the issue. Please continue and be brief."

Representatives Morris (continued) and Wallace spoke in favor of passage of the bill.

Representatives Orcutt, Roach, Buck, Armstrong, Clements, Anderson and DeBolt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1069.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1069 and the bill passed the House by the following vote: Yeas - 63, Nays - 32, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appleton, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Kretz, Kristiansen, McCune, Newhouse, Orcutt, Pearson, Roach, Serben, Shabro, Skinner, Strow, Sump, Talcott and Woods - 32.

Excused: Representatives Blake, Crouse and Schindler - 3.

ENGROSSED HOUSE BILL NO. 1069, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., February 8, 2005, the 30th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

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