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SIXTY-FIRST LEGISLATURE - REGULAR SESSION

SIXTY EIGHTH DAY

House Chamber, Olympia, Friday, March 20, 2009

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 flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Andrew Amos and Kayla Yotter. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Jim Erlandson, Community of Christ, Olympia.

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

RESOLUTION

HOUSE RESOLUTION NO. 2009-4639, by Representative Morris

WHEREAS, We are all judged by how we react in the face of adversity that each of us must overcome in our lifetimes; and

WHEREAS, These tests of character show our true colors – whether we run and hide, or whether we encounter and conquer these obstacles; and

WHEREAS, We are here today to recognize someone who overcame great hardship in her own life, someone that not only knocked down barriers, but became an example to others in the process; and

WHEREAS, A heart attack struck sixteen year old Logan Olson in 2001, and she suddenly had to contend with a very grown-up situation; and

WHEREAS, Logan battled back, fighting through a coma and confronting seven months of rehabilitation during which she had to relearn the basic skills we take for granted; and

WHEREAS, Logan continued the day-to-day process of recovery after she left the hospital; and

WHEREAS, While she continued the fight for normalcy, Logan sought comfort in the personal effects she enjoyed before her hospital stay; and

WHEREAS, A tube of lipstick is tough to use with an unsteady hand, and designer jeans won't button when fingers don't cooperate; and

WHEREAS, Logan and her mom, Laurie, searched for a resource that catered to young women with disabilities – a publication that would advise people in Logan's shoes about things like shoes and a young woman with Logan's make up talking about makeup; and

WHEREAS, Because nothing like that existed, Logan and Laurie took matters into their own hands and created Logan Magazine in 2004 – a publication that features young women like Logan; and

WHEREAS, The magazine covers everything from tips on easy-to-handle clothes and makeup, to stories of inspiration about other young people who have overcome disabilities; and

WHEREAS, It has expanded throughout the United States and into other countries, spreading disability awareness with informative and heartwarming personal success stories and current events; and

WHEREAS, There are only two people that grace the cover of their own magazine – Oprah and Logan;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor Logan and Laurie Olson for the service and inspiration they provide us as they break down barriers for others with disabilities, and remind all of us who face adversity to "Live Out Loud."

HOUSE RESOLUTION NO. 4639 was adopted.

INTRODUCTION AND FIRST READING

HB 2316 by Representatives Williams, Chase, Hasegawa, Nelson, Ormsby, Sells, Simpson and Wood

AN ACT Relating to lobbying restrictions; and amending RCW 42.17.230.

Referred to Committee on State Government & Tribal Affairs.

HB 2317 by Representatives Campbell, McCune and Flannigan

AN ACT Relating to amateur radio operator license plates; and amending RCW 46.16.305.

Referred to Committee on Transportation.

HB 2318 by Representatives Sells, Ericks, Kenney, Liias, Simpson, Hope, McCoy, Conway and Roberts

AN ACT Relating to the aerospace workforce futures act; adding a new chapter to Title 28B RCW; and declaring an emergency.

Referred to Committee on Higher Education.

HB 2319 by Representatives Hunter, Eddy and Liias

AN ACT Relating to the authorization, administration, collection, and enforcement of tolls on the state route number 520 corridor and the Interstate 90 floating bridge; adding new sections to chapter 47.56 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

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

SSB 5012 Prime Sponsor, Committee on Judiciary: Directing the Washington state patrol to develop a plan to assist in the recovery of missing persons. Reported by Committee on Public Safety & Emergency Preparedness
March 17, 2009

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

SB 5074 Prime Sponsor, Senator Marr: Concerning scoliosis screening in schools. Reported by Committee on Health Care & Wellness
March 17, 2009

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller and Pedersen.

Passed to Committee on Rules for second reading.

SSB 5151 Prime Sponsor, Committee on Judiciary: Authorizing the appointment of court commissioners to assist with criminal cases. Reported by Committee on Judiciary
March 18, 2009

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts and Ross.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Assistant Ranking Minority Member and Warnick.

Passed to Committee on Rules for second reading.

SB 5184 Prime Sponsor, Senator Brandland: Evaluating the need for a digital forensic crime lab. Reported by Committee on Public Safety & Emergency Preparedness
March 17, 2009

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

March 17, 2009

SB 5370 Prime Sponsor, Senator Franklin: Allowing electronic approval of vital records. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller and Pedersen.

Passed to Committee on Rules for second reading.

ESSB 5406 Prime Sponsor, Committee on Health & Long-Term Care: Concerning the standard health questionnaire. Reported by Committee on Health Care & Wellness
March 17, 2009

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.43.018 and 2007 c 80 s 13 and 2007 c 259 s 37 are each reenacted and amended to read as follows:

(1) Except as provided in (a) through ~~((d))~~ (g) of this subsection, a health carrier may require any person applying for an individual health benefit plan and the health care authority shall require any person applying for nonsubsidized enrollment in the basic health plan to complete the standard health questionnaire designated under chapter 48.41 RCW.

(a) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of relocation.

(b) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee:

(i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and

(ii) His or her health care provider is part of another carrier's or a basic health plan managed care system's provider network; and

(iii) Application for a health benefit plan under that carrier's provider network individual coverage or for basic health plan nonsubsidized enrollment is made within ninety days of his or her provider leaving the previous carrier's provider network; then completion of the standard health questionnaire shall not be a condition of coverage.

(c) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her having exhausted continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of exhaustion of continuation coverage. A health carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall accept an application without a standard health questionnaire from a person currently covered by such continuation coverage if application is made within ninety days prior to the date the continuation coverage would be exhausted and the effective date of the individual coverage

applied for is the date the continuation coverage would be exhausted, or within ninety days thereafter.

~~(d) (If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee following disenrollment from a health plan that is exempt from continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if: (i) The person had at least twenty-four months of continuous group coverage including church plans immediately prior to disenrollment; (ii) application is made no more than ninety days prior to the date of disenrollment; and (iii) the effective date of the individual coverage applied for is the date of disenrollment, or within ninety days thereafter.~~

~~(f) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to a change in employment status that would qualify him or her to purchase continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., but the person's employer is exempt under federal law from the requirement to offer such coverage, completion of the standard health questionnaire shall not be a condition of coverage if: (i) Application for coverage is made within ninety days of a qualifying event as defined in 29 U.S.C. Sec. 1163; and (ii) the person had at least twenty-four months of continuous group coverage immediately prior to the qualifying event. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if application is made no more than ninety days prior to the date of a qualifying event and the effective date of the individual coverage applied for is the date of the qualifying event, or within ninety days thereafter.~~

~~(e) If a person is seeking an individual health benefit plan, completion of the standard health questionnaire shall not be a condition of coverage if: (i) The person had at least twenty-four months of continuous basic health plan coverage under chapter 70.47 RCW immediately prior to disenrollment; and (ii) application for coverage is made within ninety days of disenrollment from the basic health plan. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous basic health plan coverage if application is made no more than ninety days prior to the date of disenrollment and the effective date of the individual coverage applied for is the date of disenrollment, or within ninety days thereafter.~~

~~(f) If a person is seeking an individual health benefit plan due to a change in employment status that would qualify him or her to purchase continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire is not a condition of coverage if: (i) Application for coverage is made within ninety days of a qualifying event as defined in 29 U.S.C. Sec. 1163; and (ii) the person had at least twenty-four months of continuous group coverage immediately prior to the qualifying event. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if application is made no more than ninety days prior to the date of a qualifying event and the effective date of the individual coverage applied for is the date of the qualifying event, or within ninety days thereafter.~~

~~(g) If a person is seeking an individual health benefit plan due to their terminating continuation coverage under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if: (i) Application for coverage is made within ninety days of terminating the continuation coverage; and (ii) the person had at least twenty-four months of continuous group~~

coverage immediately prior to the termination. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if application is made no more than ninety days prior to the date of termination of the continuation coverage and the effective date of the individual coverage applied for is the date the continuation coverage is terminated, or within ninety days thereafter.

(2) If, based upon the results of the standard health questionnaire, the person qualifies for coverage under the Washington state health insurance pool, the following shall apply:

(a) The carrier may decide not to accept the person's application for enrollment in its individual health benefit plan and the health care authority, as administrator of basic health plan nonsubsidized coverage, shall not accept the person's application for enrollment as a nonsubsidized enrollee; and

(b) Within fifteen business days of receipt of a completed application, the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall provide written notice of the decision not to accept the person's application for enrollment to both the person and the administrator of the Washington state health insurance pool. The notice to the person shall state that the person is eligible for health insurance provided by the Washington state health insurance pool, and shall include information about the Washington state health insurance pool and an application for such coverage. If the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage does not provide or postmark such notice within fifteen business days, the application is deemed approved.

(3) If the person applying for an individual health benefit plan: (a) Does not qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire; (b) does qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire and the carrier elects to accept the person for enrollment; or (c) is not required to complete the standard health questionnaire designated under this chapter under subsection (1)(a) or (b) of this section, the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage, whichever entity administered the standard health questionnaire, shall accept the person for enrollment if he or she resides within the carrier's or the basic health plan's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The commissioner may grant a temporary exemption from this subsection if, upon application by a health carrier, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals."

Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller and Pedersen.

Passed to Committee on Rules for second reading.

March 17, 2009

ESB 5423 Prime Sponsor, Senator Pflug: Regarding critical access hospitals not subject to certificate of need

review. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller and Pedersen.

Passed to Committee on Rules for second reading.

March 18, 2009

SSB 5481 Prime Sponsor, Committee on Government Operations & Elections: Concerning veterans' burials. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 18, 2009

SSB 5561 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Requiring the building code council to adopt rules that require certain buildings to be equipped with carbon monoxide alarms. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Hinkle; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

March 18, 2009

SB 5699 Prime Sponsor, Senator Franklin: Concerning the office of public guardianship. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 17, 2009

SSB 5826 Prime Sponsor, Committee on Health & Long-Term Care: Requiring tamper-resistant prescription pads. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller and Pedersen.

Referred to Committee on Health & Human Services Appropriations.

March 17, 2009

SJM 8003 Prime Sponsor, Senator Pflug: Requesting that Congress issue a date at which health information technology must comply with a uniform national standard of interoperability. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Bailey; Campbell; Clibborn; Green; Hinkle; Kelley; Moeller and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member and Herrera.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Early Learning & Children's Services was relieved of SUBSTITUTE SENATE BILL NO. 6024, and the bill was referred to the Committee on Human Services.

MESSAGES FROM THE SENATE

March 20, 2009

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5130,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5344,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 20, 2009

Mr. Speaker:

The President has signed the following:

SUBSTITUTE SENATE BILL NO. 5130,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5344,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

SUBSTITUTE SENATE BILL NO. 5130
ENGROSSED SUBSTITUTE SENATE BILL NO. 5344

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 23, 2009, the 71st Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk