

THIRTIETH DAY

NOON SESSION

Senate Chamber, Olympia, February 8, 2005

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 7, 2005

SB 5002 Prime Sponsor, Regala: Marketing, offering, or selling camping resort contracts. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5002 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5013 Prime Sponsor, Honeyford: Authorizing RV logos on highway sign panels. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5013 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5061 Prime Sponsor, Jacobsen: Studying the level of insurance coverage for periodontal disease. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5061 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Do not pass. Signed by Senators Benson, Brandland, Deccio, Johnson and Parlette

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5115 Prime Sponsor, Shin: Regulating traffic signal preemption devices. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5115 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5159 Prime Sponsor, Keiser: Developing a schedule of fees for performing independent reviews of health care disputes. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5198 Prime Sponsor, Keiser: Implementing changes to medicare supplement insurance requirements as mandated by the medicare modernization act of 2003 and other federal requirements. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5235 Prime Sponsor, Kohl-Welles: Requiring the department of labor and industries to set child labor law administration fees. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5235 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Keiser and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Parlette

Passed to Committee on Ways & Means.

February 7, 2005

SB 5238 Prime Sponsor, Kohl-Welles: Modifying the boilers and unfired pressure vessel law. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5278 Prime Sponsor, Jacobsen: Establishing the ocean policy review commission. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5278 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

February 7, 2005

SB 5319 Prime Sponsor, Oke: Concerning animal trapping. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5347 Prime Sponsor, Keiser: Requiring the department of social and health services to defend temporary managers in nursing homes. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5358 Prime Sponsor, Keiser: Regarding speech-language pathologists and audiologists. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5364 Prime Sponsor, Kohl-Welles: Modifying provisions concerning the uniform regulation of business and professions. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5382 Prime Sponsor, Jacobsen: Concerning the harassment of big game animals by dogs. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5389 Prime Sponsor, Kohl-Welles: Requiring the parks and recreation commission to have a record check performed on certain job applicants. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5389 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5391 Prime Sponsor, Keiser: Offering a tricare supplemental insurance policy to certain public employees. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

February 7, 2005

SB 5623 Prime Sponsor, Haugen: Clarifying that sales and use tax does not apply to certain regional transit authority service agreements. Reported by Committee on Transportation

MAJORITY recommendation: Without recommendation. Signed by Senators Haugen, Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Oke and Swecker

Passed to Committee on Ways & Means.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5235 which was referred to the Committee on Ways & Means and Senate Bill No. 5061 which was referred to the Committee on Rules.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 7, 2005

MR. PRESIDENT:

The House has passed the following bill(s):
ENGROSSED HOUSE BILL NO. 1069,
ENGROSSED HOUSE BILL NO. 1276,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5807 by Senators Roach, Keiser, Rasmussen and Kohl-Welles

AN ACT Relating to auto theft; reenacting and amending RCW 9.94A.505, 9.94A.515, and 13.40.160; adding new sections to chapter 36.28A RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5808 by Senators Poulsen, Honeyford, Morton, Rockefeller, Regala, Fraser and Rasmussen

AN ACT Relating to increasing the threshold for short board appeals before the shorelines and pollution control hearings boards to fifteen thousand dollars; and amending RCW 90.58.185 and 43.21B.305.

Referred to Committee on Water, Energy & Environment.

SB 5809 by Senators Fairley and Kohl-Welles

AN ACT Relating to jurisdiction of youth courts; and amending RCW 3.72.010 and 3.72.030.

Referred to Committee on Human Services & Corrections.

SB 5810 by Senator Fairley

AN ACT Relating to health studio services; and amending RCW 19.142.040.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5811 by Senators Kohl-Welles, Regala and Rasmussen

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 Labor, Commerce, Research & Development.

SB 5812 by Senator Keiser

AN ACT Relating to the nursing facility medicaid program trust account; adding a new section to chapter 74.46 RCW; and adding a new section to chapter 82.71 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5813 by Senator Keiser

AN ACT Relating to the quality maintenance fee on nursing facility operators; amending RCW 82.71.010 and 74.46.091; creating a new section; and providing a contingent expiration date.

Referred to Committee on Health & Long-Term Care.

SB 5814 by Senators Prentice, Swecker, Rasmussen and Kohl-Welles

AN ACT Relating to adding additional tribes with whom the governor may contract with under RCW 43.06.460; and amending RCW 43.06.460.

Referred to Committee on Ways & Means.

SB 5815 by Senators Finkbeiner, Keiser and Kohl-Welles

AN ACT Relating to a person's right to have honored his or her decisions regarding health care; amending RCW 41.05.021 and 72.10.020; adding a new section to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; adding a new section to chapter 72.36 RCW; and adding a new section to chapter 51.04 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5816 by Senators Doumit and Jacobsen

AN ACT Relating to contracting out the management of state trust lands; adding a new section to chapter 79.02 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5817 by Senators Doumit and Jacobsen

AN ACT Relating to the state granted lands sales program; and adding a new chapter to Title 79 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5818 by Senators Doumit and Jacobsen

AN ACT Relating to natural resources' agencies' law enforcement programs; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5819 by Senators Benton, Swecker, Zarelli, Delvin, Oke, Benson, Carrell and Mulliken

AN ACT Relating to property tax exemptions for churches and other religious organizations; amending RCW 84.36.020 and 84.36.030; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5820 by Senators Swecker, Mulliken, Hargrove, Benton, Roach, Schmidt, Stevens and Benson

AN ACT Relating to requiring notification of breast cancer risks related to abortion; adding new sections to chapter 9.02 RCW; providing expiration dates; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5821 by Senators Mulliken, Hargrove, Benton, Swecker, Carrell, Schmidt, Roach, Honeyford, Stevens, Benson, Esser, Johnson and Oke

AN ACT Relating to requiring parental notification for abortion; adding a new section to chapter 9.02 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5822 by Senators Haugen, Swecker, Poulsen, Kastama, Spanel, Schmidt, Berkey, Schoesler, Hewitt, Esser, Mulliken and Jacobsen

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

Referred to Committee on Transportation.

SB 5823 by Senators Kohl-Welles, Jacobsen and Kline

AN ACT Relating to requiring prompt payment of final wages; and amending RCW 49.48.010.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5824 by Senators Shin, Swecker, Benton, Honeyford, Kohl-Welles, Rasmussen, Sheldon, Carrell, Mulliken, Benson, Schmidt, Esser, Hewitt and Johnson

AN ACT Relating to the taxation of physical fitness services; reenacting and amending RCW 82.04.050; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5825 by Senators Parlette, Hewitt and Honeyford

AN ACT Relating to repealing authority to request increased compensation due to a change of circumstances; amending RCW 51.28.040; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5826 by Senators Hewitt, Parlette and Honeyford

AN ACT Relating to making cost-of-living adjustments to account for inflation in industrial insurance claims; amending RCW 51.32.050, 51.32.060, 51.32.072, 51.32.075, 51.32.080, 51.32.090, and 51.36.020; reenacting and amending RCW 51.32.090; adding a new section to chapter 51.08 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5827 by Senators Schoesler, Fraser and Kohl-Welles

AN ACT Relating to capital projects lists for local nonprofit art, cultural, heritage, youth, and social service organizations; amending RCW 43.63A.125, 43.63A.750, 27.34.330, and 43.63A.135; repealing 1999 c 295 s 4 (uncodified); and providing expiration dates.

Referred to Committee on Ways & Means.

SB 5828 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 Early Learning, K-12 & Higher Education.

SJM 8015 by Senators Berkey, Schmidt, Carrell, Mulliken, Rockefeller, Shin, Pridemore, Rasmussen, Kohl-Welles, Delvin, McAuliffe, Weinstein, Prentice, Fairley, Thibaudeau, Kline, Keiser and Roach

Petitioning the Transportation Commission to rename State Route 2 as the "Washington National Guard Highway."

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1024 by Representatives Kirby and Campbell

AN ACT Relating to requirements for issuing salary warrants for judges; and amending RCW 2.56.040.

Referred to Committee on Judiciary.

EHB 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

AN ACT Relating to performance audits of tax preferences; adding new sections to chapter 43.136 RCW; and repealing RCW 43.136.010, 43.136.020, 43.136.030, 43.136.040, 43.136.050, and 43.136.070.

Referred to Committee on Ways & Means.

HB 1125 by Representatives Serben, Lantz, Priest, Shabro and Ahern

AN ACT Relating to trust and estate management; amending RCW 11.02.005, 11.12.110, 11.28.170, 11.40.020, 11.40.030, 11.40.051, 11.40.070, 11.42.020, 11.42.030, 11.42.070, 11.88.080, 11.94.010, 11.98.039, 21.35.005, and 22.28.030; and repealing RCW 11.04.270.

Referred to Committee on Judiciary.

HB 1139 by Representative Upthegrove

AN ACT Relating to attorneys serving as pro tempore judges, commissioners, and guardians ad litem; amending RCW 2.08.185; and creating a new section.

Referred to Committee on Judiciary.

HB 1183 by Representatives Williams and Serben

AN ACT Relating to renaming the commission on supreme court reports; and amending RCW 2.32.160.

Referred to Committee on Judiciary.

HB 1202 by Representatives Williams, Woods, Lantz, Hunt, Campbell, Appleton, McCune, Eickmeyer, Ormsby and Kilmer

AN ACT Relating to district court judges; amending RCW 3.34.010; and creating a new section.

Referred to Committee on Judiciary.

HB 1206 by Representative O'Brien

AN ACT Relating to repeal of obsolete or superseded laws; and repealing RCW 9.58.110, 9.58.120, 49.44.100, 67.14.020, 67.14.040, 67.14.050, 67.14.060, 67.14.070, 67.14.080, 67.14.090, 67.14.100, 67.14.110, 67.14.120, 70.54.060, and 70.54.065.

Referred to Committee on Judiciary.

EHB 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

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

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION
8613

By Senator Honeyford

WHEREAS, There are more than 300 museums in Washington State; and

WHEREAS, These museums preserve artistic, historical, and natural resources for us and future generations, provide access to a diverse and rich cultural heritage, and prompt us to expand our understanding of the world; and

WHEREAS, These museums were created by their communities and continue to be nurtured by them; and

WHEREAS, These museums contribute to the quality of life in their communities by bringing people together through shared cultural experiences, introducing new ideas, providing educational resources, contributing to the local economy, and offering entertainment for residents and visitors;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington honor these museums on February 9, 2005, Museum Day in Washington State, in recognition of the role museums play in the historical, cultural, artistic, and economical life of the communities within our state.

Senator Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8613.

The motion by Senator Honeyford carried and the resolution was adopted by voice vote.

MOTION

At 12:04 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, February 9, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate