

THIRTY-NINTH DAY, FEBRUARY 16, 2006

2006 REGULAR SESSION

THIRTY-NINTH DAY**NOON SESSION**

Senate Chamber, Olympia, February 16, 2006

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 15, 2006

SHB 2325 Prime Sponsor, Committee on Local Government: Encouraging the development of affordable housing. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Without recommendation. Signed by Senators Fairley, Chair; Brandland, Finkbeiner, Franklin, Keiser and Schmidt

Passed to Committee on Government Operations & Elections.

February 15, 2006

E2SHB 2418 Prime Sponsor, Committee on Capital Budget: Increasing the availability of affordable housing. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Without recommendation. Signed by Senators Fairley, Chair; Brandland, Finkbeiner, Franklin, Keiser and Schmidt

Passed to Committee on Ways & Means.

February 15, 2006

HJM 4023 Prime Sponsor, Moeller: Requesting Congress to enact the Kidney Care Quality Improvement Act of 2005. Reported by Committee on Health & Long-Term Care

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

Passed to Committee on Rules for second reading.

February 15, 2006

HJM 4038 Prime Sponsor, Hinkle: Requesting that certified diabetes educators be added as Medicare providers. Reported by Committee on Health & Long-Term Care

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

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

February 16, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

HOWARD LINCOLN, appointed January 27, 2006, for the term ending September 30, 2010, as Member, Board of Trustees, Western Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning, K-12 & Higher Education.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 1488 by House Committee on Appropriations (originally sponsored by Representatives Hunter, Priest, Dickerson, Tom, Upthegrove, Jarrett, Springer, McCoy, B. Sullivan, Conway, Simpson, Flannigan, McIntire, Moeller, Chase, Williams, Kenney, Sells, Murray, Fromhold, Pettigrew, Darneille, Lantz, Clibborn, Kagi, Hasegawa, Morrell, McDermott, Hunt, Blake, Campbell, Cody, Hudgins, Ericks, O'Brien and Nixon)

AN ACT Relating to brominated flame retardants; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Water, Energy & Environment.

2SHB 1834 by House Committee on Appropriations (originally sponsored by Representatives McIntire, Anderson, Kessler, Conway, Fromhold, Clements, Kagi, Linville, Jarrett, Hunter, Tom, Hinkle, Upthegrove, Kilmer, Wood and Santos)

AN ACT Relating to establishing a process for reporting, reviewing, and collecting data on performance measures; amending RCW 43.88.090 and 43.88.030; adding a new

section to chapter 43.88 RCW; and adding a new chapter to Title 44 RCW.

Referred to Committee on Ways & Means.

EHB 1849 by Representatives Lovick, Campbell, Simpson, DeBolt, Hinkle and O'Brien

AN ACT Relating to security guard training; and creating a new section.

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

ESHB 2056 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway and Wood)

AN ACT Relating to recreational vehicle shows; amending RCW 46.70.011; and adding a new section to chapter 46.70 RCW.

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

EHB 2322 by Representative Ormsby

AN ACT Relating to limiting the phosphorus content in dishwashing detergent; and amending RCW 70.95L.005 and 70.95L.020.

Referred to Committee on Water, Energy & Environment.

SHB 2426 by House Committee on Technology, Energy & Communications (originally sponsored by Representative Morris)

AN ACT Relating to duties of the utilities and transportation commission, including commissioner appointments, delegation of powers, and appointment of administrative law judges; amending RCW 80.01.010, 80.01.030, 80.01.050, and 80.01.060; and adding a new section to chapter 80.01 RCW.

Referred to Committee on Water, Energy & Environment.

SHB 2431 by House Committee on Appropriations (originally sponsored by Representatives Campbell, Morrell, Ericks, Moeller, Springer, B. Sullivan, Simpson, Green, Sells, O'Brien and Lantz)

AN ACT Relating to health professions background checks; amending RCW 18.130.310; adding new sections to chapter 18.130 RCW; adding a new section to chapter 43.70 RCW; and providing effective dates.

Referred to Committee on Health & Long-Term Care.

SHB 2539 by House Committee on Appropriations (originally sponsored by Representatives Schual-Berke, Morrell, Simpson, Roberts, Moeller and Hudgins)

AN ACT Relating to disaster medical assistance teams; amending RCW 38.52.010 and 38.24.010; and adding new sections to chapter 38.52 RCW.

Referred to Committee on Health & Long-Term Care.

ESHB 2540 by House Committee on Health Care (originally sponsored by Representatives Schual-Berke and Morrell)

AN ACT Relating to access to individual health insurance coverage; amending RCW 48.41.100, 48.41.110, 48.41.160, 48.41.190, 48.43.005, and 48.43.041; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

HB 2612 by Representatives Kagi, O'Brien, Darneille, Rodne, Kenney, Schual-Berke, Morrell and Springer

AN ACT Relating to including failure to secure a load in the first degree as a compensable crime under the crime victims' compensation program; and amending RCW 7.68.020.

Referred to Committee on Human Services & Corrections.

ESHB 2668 by House Committee on Commerce & Labor (originally sponsored by Representatives Hudgins, Lovick, Crouse, Upthegrove, B. Sullivan and Sump)

AN ACT Relating to professional athletics regulated by the department of licensing; amending RCW 67.08.002, 67.08.030, 67.08.050, 67.08.055, and 67.08.130; and reenacting and amending RCW 67.08.090.

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

E2SHB 2673 by House Committee on Finance (originally sponsored by Representatives Linville, Ericksen, P. Sullivan, Buck, Ericks, Kilmer, Kessler, Grant, Walsh, B. Sullivan, Lantz, Morris, O'Brien, Conway, Morrell and Wallace)

AN ACT Relating to creating the local infrastructure financing tool demonstration program; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 39 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on International Trade & Economic Development.

ESHB 2680 by House Committee on Appropriations (originally sponsored by Representatives Conway, Fromhold, Lovick, Kenney, Quall, Simpson and Moeller)

AN ACT Relating to purchasing service credit in plan 2 and plan 3 of the teachers' retirement system for public education experience performed as a teacher in a public school in another state or with the federal government; adding new sections to chapter 41.32 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 2695 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Haigh, Sump and McDermott)

AN ACT Relating to absentee or provisional ballot notice requirements; and amending RCW 29A.60.165.

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Referred to Committee on Government Operations & Elections.

EHB 2801 by Representatives Chase, Morrell, Hasegawa, McCoy, Sump, Hunt, Hunter, Upthegrove, Pettigrew, Kenney, Roberts, Moeller, Santos, Schual-Berke, Simpson, Kagi and Darneille

AN ACT Relating to discriminatory provisions in the governing documents of homeowners' associations; amending RCW 49.60.227; adding a new section to chapter 64.38 RCW; and creating a new section.

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

SHB 2843 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Holmquist, Haigh, Nixon, Green, Schindler, Clements, Sump, Ahern, McDermott, Haler, Chase, Sells, McDonald, Hasegawa, Kenney, Kristiansen, Bailey and McCune)

AN ACT Relating to prohibiting county auditors from putting their names on absentee ballot envelopes when running for reelection; amending RCW 29A.40.091; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SHB 2876 by House Committee on Judiciary (originally sponsored by Representatives Ericksen, Wood, Dunn, Armstrong and Ericks)

AN ACT Relating to sound and video recordings by law enforcement officers; and amending RCW 9.73.090.

Referred to Committee on Judiciary.

HB 2879 by Representative McIntire

AN ACT Relating to the electronic administration of the real estate excise tax; amending RCW 82.45.210; reenacting and amending RCW 82.45.180; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 2884 by House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Linville and McCoy)

AN ACT Relating to reclaimed water; amending RCW 90.46.050, 90.46.030, 90.46.040, 90.46.042, 90.46.044, 90.46.080, 90.46.090, and 90.46.100; adding a new section to chapter 90.46 RCW; and creating a new section.

Referred to Committee on Water, Energy & Environment.

EHB 2889 by Representatives Woods, Hankins, Murray, Upthegrove, Wallace and Simpson

AN ACT Relating to transportation revenue; amending RCW 46.17.010; reenacting and amending RCW 43.84.092 and 43.84.092; adding a new section to chapter 46.68 RCW;

providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

SHB 2893 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Simpson, P. Sullivan, Darneille, Williams, McDonald, McCoy, Morrell, Ericks and Green)

AN ACT Relating to restrictions on granting a sex offender visitation under a parenting plan; and amending RCW 26.09.191.

Referred to Committee on Human Services & Corrections.

HB 2957 by Representatives Blake, Orcutt, Kessler, Kristiansen and Dunn

AN ACT Relating to extending the expiration date for reporting requirements on timber purchases; amending RCW 84.33.088; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

ESHB 3079 by House Committee on Appropriations (originally sponsored by Representatives Conway, Cody, Sells, Dickerson, Morrell, Simpson, Schual-Berke, Hasegawa, Chase and Santos)

AN ACT Relating to health care services; adding a new section to chapter 70.47 RCW; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 3120 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Priest, Kirby and Williams)

AN ACT Relating to notice requirements for tort claims against state and local governments and their officers, employees, or volunteers; and amending RCW 4.92.100, 4.92.110, and 4.96.020.

Referred to Committee on Judiciary.

SHB 3137 by House Committee on Transportation (originally sponsored by Representatives Lovick, Curtis, Clements, Hunt, Grant, Ericks, Conway, Morrell, Simpson and Kenney)

AN ACT Relating to benefits for surviving spouses of disabled Washington state patrol officers; amending RCW 43.43.270, 41.45.0631, and 41.45.070; and providing an effective date.

Referred to Committee on Ways & Means.

EHB 3278 by Representatives Conway and Dickerson

AN ACT Relating to making adjustments in the unemployment insurance system to enhance benefit and tax equity; amending 2005 c 133 s 9 (uncodified); and creating a new section.

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

EHB 3310 by Representatives Bailey, Linville, Kessler, Morrell, Clibborn and Morris

AN ACT Relating to health care coverage statutory requirements; and creating new sections.

Referred to Committee on Health & Long-Term Care.

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 Keiser moved adoption of the following resolution:

SENATE RESOLUTION 8715

By Senator Keiser

WHEREAS, Diabetes is now widely recognized as one of the top public health threats facing our nation today and affects more than 18 million Americans. In 2002, diabetes accounted for \$132 billion in direct and indirect health care costs; and

WHEREAS, Diabetes now affects nearly 1.4 million Washington residents: Over 298,000 people in Washington have been diagnosed with diabetes; over 126,000 people have undiagnosed diabetes; and, over 963,000 people have prediabetes; and

WHEREAS, People who have diabetes need skills to manage their diabetes and skills to help them stay active in their lives. This training is central to diabetes prevention and care; and

WHEREAS, Chronic disease self-management programs have a proven success rate, allowing persons with diabetes to better control their diabetes; and

WHEREAS, Persons living with diabetes who are properly trained with self-management skills are better able to prevent the deadly complications of diabetes, which can include heart disease, stroke, blindness, lower extremity amputation, and kidney failure; and

WHEREAS, Certified diabetes educators are highly trained multidisciplinary health care professionals dedicated to delivering quality diabetes self-management training; and

WHEREAS, Evidence has shown that access to a certified diabetes educator improves the management of diabetes, a chronic illness that requires a high level of maintenance; and

WHEREAS, Certified diabetes educators teach people with diabetes how to maintain the daily rigors of diet, exercise, meal planning, medication monitoring, healthy coping skills, and other factors necessary to control the disease; and

WHEREAS, Certified diabetes educators are also on the front line of the efforts to promote prevention of diabetes; and

WHEREAS, Certified diabetes educators have received extensive training in diabetes management. They have met all criteria for initial certification, including a prerequisite qualifying professional credential in a specified health care profession. They have professional practice experience in diabetes self-management training that includes one thousand hours of diabetes teaching, have passed a national examination

offered by a certifying body recognized as entitled to grant certification to diabetes educators, and are required to renew the certification every five years;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the members of the Washington Association of Diabetes Educators and applaud them for their important efforts on behalf of those living with diabetes; and

BE IT FURTHER RESOLVED, That the Washington State Senate honor the Washington Association of Diabetes Educators on Thursday, February 16, 2006, WADE Day at the Capitol; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the leadership of the Washington Association of Diabetes Educators.

Senator Keiser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8715.

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

MOTION

Senator Schoesler moved adoption of the following resolution:

SENATE RESOLUTION 8705

By Senator Schoesler

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The LaCrosse/Washtucna Tigercats exhibited the highest level of excellence in winning the 2005 Washington State High School Football "B-8" Championship; and

WHEREAS, The LaCrosse/Washtucna Football Team became only the second team in the history of Washington state football, in all classifications, to win four consecutive state championships; and

WHEREAS, The LaCrosse/Washtucna Tigercats Football Team State Championship also tied the state record for consecutive victories with forty-eight; and

WHEREAS, The senior class, comprised of Marshall Burke, Kevin Dainty, Tyler Martin, Dallas Filan, Matt Martin, Dirk Wigen, Jeff Bafus, David Oles, Kellen Hays, and Michael Martin, have completed their high school football careers undefeated; and

WHEREAS, The entire team, which includes, in addition to the seniors, Ben Undercoffler, Kellen Vorderbrueggen, Jared Ayers-Stamper, Jake Fleming, Justin Aune, Chris Keeney, Hans Guske, Cody Bennett, Tom Passmore, Seth Weekes, Tyler Startin, Tyson Sullivan, Grant Burke, Jacob Wigen, Tyson Carter, Bo Sullivan, Luke Stanley, Codii Phelps, and Adam Roberts demonstrated amazing skill and admirable sportsmanship in achieving these outstanding accomplishments; and

WHEREAS, These extraordinary accomplishments could not have been achieved without the support and encouragement of all the students, cheerleaders, band members, faculty, staff, alumni, families, friends, community members, and fans who backed them all the way; and

WHEREAS, The inspiring individual and team achievements of the 2005 LaCrosse/Washtucna Football Team will always be remembered when commemorating their winning year; and

WHEREAS, The victorious LaCrosse/Washtucna Football Team is a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the 2005 LaCrosse/Washtucna Tigercats Football Team; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the 2005 LaCrosse/Washtucna Tigercats Football Team Head Coach Jeff Nelson and the Principal of LaCrosse High School, Doug Curtis, and the Principal of Washtucna High School, Glenn Martin.

Senator Schoesler spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8705.

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

MOTION

At 12:08 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, February 17, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

1488-S2
Introduction & 1st Reading 1

1834-S2
Introduction & 1st Reading 1

1849
Introduction & 1st Reading 2

2056-S
Introduction & 1st Reading 2

2322
Introduction & 1st Reading 2

2325-S
Committee Report 1

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Committee Report 1

2426-S
Introduction & 1st Reading 2

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Introduction & 1st Reading 2

2539-S
Introduction & 1st Reading 2

2540-S
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Introduction & 1st Reading 2

2668-S
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2673-S2
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2680-S
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2695-S
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2843-S
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2884-S
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3137-S
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Committee Report 1

8705
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Introduced 4

8715
Adopted 4
Introduced 4

MESSAGE FROM GOVERNOR
Gubernatorial Appointments 1