

**TWELFTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Friday, January 21, 2005

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brandland, Deccio, Hewitt, Mulliken, Oke, Pflug, Roach, Schmidt and Thibaudeau.

The Sergeant at Arms Color Guard consisting of Pages Kyle Buse and Samuel Pizelo, presented the Colors. Leslie Edwards-Hill, Chairperson of the Baha'i Assembly of Olympia Church offered the prayer.

**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**

January 19, 2005

**SB 5045** Prime Sponsor, Doumit: Allowing title insurance companies to provide a guarantee covering its agents. Reported by Committee on Financial Institutions, Housing & Consumer Protection

**MAJORITY recommendation:** Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice and Spanel

Passed to Committee on Rules for second reading.

January 20, 2005

**SB 5048** Prime Sponsor, Oke: Prohibiting tobacco product sampling. Reported by Committee on Labor, Commerce, Research & Development

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

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

Passed to Committee on Rules for second reading.

January 20, 2005

**SB 5084** Prime Sponsor, McAuliffe: Establishing a foster youth postsecondary education and training coordination committee. Reported by Committee on Labor, Commerce, Research & Development

**MAJORITY recommendation:** Without recommendation. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Hewitt, Honeyford, Keiser and Parlette

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

January 19, 2005

**SB 5195** Prime Sponsor, Fairley: Adopting the interstate insurance product regulation compact. Reported by Committee on Financial Institutions, Housing & Consumer Protection

**MAJORITY recommendation:** Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice and Spanel

Passed to Committee on Rules for second reading.

January 19, 2005

**SB 5196** Prime Sponsor, Fairley: Regulating insurable interests and employer-owned life insurance. Reported by Committee on Financial Institutions, Housing & Consumer Protection

**MAJORITY recommendation:** Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice and Spanel

Passed to Committee on Rules for second reading.

January 20, 2005

**SB 5230** Prime Sponsor, Swecker: Establishing the Washington's Wildlife license plate collection. Reported by Committee on Natural Resources, Ocean & Recreation

**MAJORITY recommendation:** Without recommendation. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Hargrove, Morton, Oke, Spanel and Swecker

Referred to the Committee on Transportation.

**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 SECRETARY OF STATE**

January 20, 2005

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

Pursuant to Article II, Section 1 of the Washington State Constitution, RCW29A.72.230, and WAC 434-379-010, the office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature 336 to be examined in the following manner:

- 1) It was determined that 300,776 signatures were submitted by the sponsors of the initiative. A random sample of 6,124 signatures was taken from those submitted;
- 2) Each sampled signature was examined to determine if the signer was a registered voter of the state, if the signature was reasonably similar to the one appearing on the record of that voter, and if the same signature appeared more than once in the

sample. We found 4,911 valid signatures, 1,205 signatures that were invalid due to non-registration or improper form, and 8 pairs of duplicated signatures in the sample;

- 3) We calculated an allowance for the chance error of sampling (53) by multiplying the square root of the number of invalid signatures by 1.5;
- 4) We estimated the upper limit of the number of signatures on the initiative petition which were invalid (61,786) by dividing the sum of the number of invalid signatures in the sample and allowance for the chance of error of sampling by the sampling ratio;
- 5) We determined the maximum allowable number of pairs of signatures on the petition (41,256) by subtracting the sum of the number of signatures required by Article II, section 1 of the Washington State Constitution (197,734) and the estimate of the upper limit of the number of invalid signatures on the petition from the number of signatures submitted;
- 6) We determined the expected number of pairs of signatures in the sample (17) by multiplying the square of the sampling ratio by maximum allowable number of pairs of signatures on the initiative petition;
- 7) We determined the acceptable number of pairs of signatures in the sample (10) by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample; and
- 8) Since the number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample, I hereby declare Initiative to the Legislature 336 to be sufficient.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 20<sup>th</sup> day of, January, 2005.

SAM REED, Secretary of State

(Seal)

MESSAGE FROM THE SECRETARY OF STATE

January 21, 2005

The Honorable President of the Senate  
Legislature of the State of Washington  
Olympia, Washington 98504

MR. PRESIDENT:

Pursuant to Article II, Section 1 of the Washington State Constitution, RCW29A.72.230, and WAC 434-379-010, the office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature 330 to be examined in the following manner:

- 1) It was determined that 319,146 signatures were submitted by the sponsors of the initiative. A random sample of 4,873 signatures was taken from those submitted;
- 2) Each sampled signature was examined to determine if the signer was a registered voter of the state, if the signature was

reasonably similar to the one appearing on the record of that voter, and if the same signature appeared more than once in the sample. We found 4,070 valid signatures, 801 signatures that were invalid due to non-registration or improper form, and 2 pairs of duplicated signatures in the sample;

- 3) We calculated an allowance for the chance error of sampling (43) by multiplying the square root of the number of invalid signatures by 1.5;
- 4) We estimated the upper limit of the number of signatures on the initiative petition which were invalid (55,276) by dividing the sum of the number of invalid signatures in the sample and allowance for the chance of error of sampling by the sampling ratio;
- 5) We determined the maximum allowable number of pairs of signatures on the petition (66,136) by subtracting the sum of the number of signatures required by Article II, section 1 of the Washington State Constitution (197,734) and the estimate of the upper limit of the number of invalid signatures on the petition from the number of signatures submitted;
- 6) We determined the expected number of pairs of signatures in the sample (15) by multiplying the square of the sampling ratio by maximum allowable number of pairs of signatures on the initiative petition;
- 7) We determined the acceptable number of pairs of signatures in the sample (8) by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample; and
- 8) Since the number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample, I hereby declare Initiative to the Legislature 330 to be sufficient.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 21<sup>st</sup> day of January, 2005.

SAM REED, Secretary of State

(Seal)

MOTION

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

INTRODUCTION AND FIRST READING

SB 5347 by Senators Keiser and Brandland

AN ACT Relating to indemnifying and defending department of social and health services appointed temporary managers in nursing homes; and adding a new section to chapter 18.51 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5348 by Senators Pridemore, Kastama, Fraser and Kline

AN ACT Relating to maintenance and repair of electrical

appliances by a public utility district that provides electrical service; and adding a new section to chapter 54.16 RCW.

Referred to Committee on Water, Energy & Environment.

SB 5349 by Senators Kastama, McAuliffe, Weinstein, Haugen, Berkey, Rasmussen, Hargrove, Kohl-Welles, Franklin, Regala, Shin, Fraser, Jacobsen and Kline

AN ACT Relating to reading instruction; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 44.28 RCW; creating a new section; providing expiration dates; and declaring an emergency.

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

SB 5350 by Senator Kastama

AN ACT Relating to shared parental responsibility; amending RCW 26.09.004 and 26.09.187; adding a new section to chapter 26.09 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5351 by Senators Berkey, Schmidt, Shin, Haugen and Fairley

AN ACT Relating to the business and occupation taxation of the restoration, reproduction, and sale of airplanes of historical significance; adding a new section to chapter 82.04 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5352 by Senators Esser, Kline, Weinstein, McCaslin, Thibaudeau, Regala, Schmidt, Kohl-Welles, Stevens, Franklin, Finkbeiner, Jacobsen, Rockefeller and Rasmussen

AN ACT Relating to animal cruelty; amending RCW 16.52.205 and 16.52.207; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5353 by Senators Esser and Benson

AN ACT Relating to jurisdiction over judgments; and amending RCW 3.66.020, 3.66.040, 3.62.060, and 12.04.130.

Referred to Committee on Judiciary.

SB 5354 by Senators Doumit and Zarelli

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

Referred to Committee on Government Operations & Elections.

SB 5355 by Senators Doumit, Zarelli and Jacobsen

AN ACT Relating to salmon and steelhead recovery; and amending RCW 77.85.200.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5356 by Senator Brown

AN ACT Relating to the alignment of state route number 290; and amending RCW 47.17.520.

Referred to Committee on Transportation.

SB 5357 by Senators Delvin, Hewitt, Stevens, Kline, Honeyford, Benson, Roach and Mulliken

AN ACT Relating to hazardous or radioactive substances; and adding a new section to chapter 70.105E RCW.

Referred to Committee on Water, Energy & Environment.

SB 5358 by Senators Keiser and Parlette

AN ACT Relating to speech-language pathologists and audiologists; and amending RCW 18.35.010, 18.35.020, 18.35.060, and 18.35.195.

Referred to Committee on Health & Long-Term Care.

SB 5359 by Senators Brandland, Rasmussen, Hargrove, Sheldon, Fairley, Berkey, Benson, Delvin and Mulliken

AN ACT Relating to school improvement goals reporting; and amending RCW 28A.655.030.

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

SB 5360 by Senators Brandland, Sheldon, Fairley, Berkey, Delvin, Benson and Rockefeller

AN ACT Relating to eligibility for the running start program; and amending RCW 28A.600.310.

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

SB 5361 by Senators Fairley, Zarelli, Kline, Hewitt, Berkey, McAuliffe, Benton, Pridemore, Rasmussen, Kohl-Welles, Keiser, Regala, Rockefeller, Haugen, Franklin, Brandland, Eide, Thibaudeau, Hargrove, Jacobsen, Prentice, Sheldon and Mulliken

AN ACT Relating to property tax relief for senior citizens and persons retired because of physical disability; amending RCW 84.36.381; and creating a new section.

Referred to Committee on Ways & Means.

SB 5362 by Senators Fairley, Benson and Prentice

AN ACT Relating to insurance; amending RCW 48.02.180, 48.05.340, 48.11.100, 48.11.140, 48.14.010, 48.14.0201, 48.17.150, 48.18.100, 48.18.103, 48.18.430, 48.21.047, 48.23.010, 48.24.030, 48.29.010, 48.29.020, 48.29.120, 48.29.130, 48.29.170, 48.30.300, 48.30A.045, 48.30A.060, 48.30A.065, 48.31.100, 48.38.030, 48.44.240, 48.66.020, 48.66.045, 48.66.055, 48.66.130, 48.92.120, 48.98.015, 48.110.030, and 48.110.040; adding a new section to chapter 48.66 RCW; and repealing RCW 48.05.360, 48.29.030, 48.29.060, 48.29.070, 48.29.090, 48.29.100, 48.29.110, and 48.34.910.

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

SB 5363 by Senators Kastama and Rasmussen

AN ACT Relating to regional centers under the authority of certain public facilities districts; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Government Operations & Elections.

SB 5364 by Senators Kohl-Welles and Keiser

AN ACT Relating to the uniform regulation of business and professions; amending RCW 18.140.160, 18.185.110, 18.185.120, 19.16.410, 18.39.020, 18.220.040, 18.220.130, 18.220.140, 18.165.170, 18.170.180, 18.235.010, 18.235.020, 18.235.040, 18.235.050, 18.235.080, 18.235.090, 18.235.100, 18.235.110, 18.235.130, 18.235.150, and 18.235.210; and repealing RCW 18.140.175 and 18.85.343.

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

SB 5365 by Senators Prentice, Keiser and Parlette

AN ACT Relating to the department of licensing; amending RCW 18.96.050, 19.105.380, and 64.36.225; adding a new section to chapter 43.24 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5366 by Senators Schoesler, Prentice, Sheldon, Honeyford, Haugen and Delvin

AN ACT Relating to movement of mobile homes; and amending RCW 46.44.170.

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

SB 5367 by Senators Franklin and Kline

AN ACT Relating to use of public funds for political purposes; and amending RCW 42.17.128.

Referred to Committee on Government Operations & Elections.

SB 5368 by Senators Keiser, Benton, Kastama, Thibaudeau, Franklin, McAuliffe and Rasmussen

AN ACT Relating to revising the mandatory overtime prohibition applicable to nurses, but only with respect to increasing the types of health care facilities that are subject to the prohibition from requiring nurses to perform overtime work and limiting the exceptions from the prohibition related to prescheduled on-call time and completion of patient care procedures; and amending RCW 49.28.130, 49.28.140, and 72.01.042.

Referred to Committee on Health & Long-Term Care.

SB 5369 by Senators Rasmussen, Schoesler, Mulliken, Sheldon, Delvin, Shin, Morton and Jacobsen

AN ACT Relating to the potato commission; amending RCW 15.66.270; adding a new chapter to Title 15 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5370 by Senators Brown, Benson, Shin, Sheldon, Eide, Kohl-Welles and McAuliffe

AN ACT Relating to the economic development strategic reserve account; amending RCW 67.70.190, 82.45.060, and 82.16.020; and adding a new section to chapter 43.330 RCW.

Referred to Committee on International Trade & Economic Development.

SB 5371 by Senator Fairley

AN ACT Relating to annexation of territory of certain cities by water-sewer districts; and adding a new section to chapter 57.24 RCW.

Referred to Committee on Government Operations & Elections.

SB 5372 by Senators Berkey, Fairley, Pridemore, Roach and Johnson

AN ACT Relating to the coordination of water and sewer system utilities; amending RCW 36.55.060 and 47.44.020; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Water, Energy & Environment.

SB 5373 by Senators Berkey, Kastama, Pridemore and Kline

AN ACT Relating to electronic and web-based bidding; and amending RCW 43.19.1906, 43.19.1908, and 43.19.1911.

Referred to Committee on Government Operations & Elections.

SB 5374 by Senators Kohl-Welles and Delvin

AN ACT Relating to fire safety; adding a new chapter to Title 19 RCW; and prescribing penalties.

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

SB 5375 by Senators Kline and Rockefeller

AN ACT Relating to supervision of offenders who travel or transfer to or from another state; amending RCW 9.95.204, 9.95.214, 10.05.170, and 35.20.255; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Human Services & Corrections.

SB 5376 by Senators Jacobsen, Morton, Oke, Fraser and Rockefeller

AN ACT Relating to forest practices; amending RCW 76.09.240; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5377 by Senators Kline, Kohl-Welles, Delvin and Thibaudeau

AN ACT Relating to the keeping of dangerous wild animals; adding a new chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SCR 8403 by Senators Jacobsen and Kohl-Welles

Creating the position of state poet laureate.

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 with the exception of Senate Bill No. 5354 which was referred to the Committee on Government Operations & Elections and Senate Bill No. 5350 which was referred to the Committee on Education.

MOTION

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

MOTION

Senator McAuliffe moved adoption of the following resolution:

SENATE RESOLUTION  
8605

By Senators McAuliffe, Fairley, Rasmussen, McCaslin, Johnson, Franklin, Hargrove, Regala, Doumit, Spanel, Esser, Rockefeller, Fraser, Kohl-Welles and Eide

WHEREAS, On December 26, 2004, one of the most devastating natural disasters of our lifetime brought modern civilization to its knees and unspeakable grief to our hearts; and

WHEREAS, An earthquake, 9.0 in magnitude, centered underwater off the coast of the Indonesian island of Sumatra, triggered a tsunami that traveled at speeds of up to 500 miles per hour and 40 feet in height, devastating the coastal areas of Indonesia, Sri Lanka, India, Thailand, Malaysia, and the Maldives; and

WHEREAS, The disaster was felt as far away as Somalia, where nine people died; and

WHEREAS, An estimated 212,611 people lost their lives in the disaster, and 6,245 people are still missing; 18 Americans are dead, and an additional 17 are missing and presumed dead; and

WHEREAS, Governments, corporations, relief agencies, and individuals worldwide have come together to pledge more than \$5 billion to the relief and recovery effort; and

WHEREAS, UNICEF, Save The Children, and the Red Cross are international organizations that provide medical and basic need disaster relief services to underdeveloped and disaster-stricken regions; and

WHEREAS, More than one million children were orphaned, displaced, injured, or otherwise affected by the disaster, and UNICEF has deemed these children the "Tsunami Generation"; and

WHEREAS, Children are among the most vulnerable in this disaster; many have been orphaned or separated from their parents, making them susceptible to exploitation, abuse, or criminal trafficking, making current efforts by UNICEF and Save The Children to register, support, and keep such children safe of paramount importance; and

WHEREAS, We also recognize Save The Children for its ongoing relief efforts setting up temporary camps and providing water, food, shelter, medicine, and protection from disease to both children and adults who were victimized by the tsunami; and

WHEREAS, Recognizing the need to reopen schools in South Asia and reestablish children's daily routine, Education

International established a Tsunami Relief Program to provide assistance directly to teachers, students, and schools in the affected areas; schools in Sri Lanka were able to reopen January 10th;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and support the Red Cross, Save The Children, and UNICEF for their work to aid the victims of the tsunami and especially to protect the "Tsunami Generation" from further trauma; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Washington state chapters of the Red Cross, UNICEF, and Save The Children.

Senators McAuliffe, Johnson, Eide, Spanel, Shin and Esser spoke in favor of adoption of the resolution.

Senator Johnson moved to amend the resolution.

Senator Johnson spoke in favor of the motion to amend the resolution.

On motion of Senator Johnson, the amendment by Senator Johnson was withdrawn.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8605.

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

MOTION

At 10:28 a.m. on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, January 24, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate