

FIFTY NINTH LEGISLATURE - REGULAR SESSION

FORTY FIFTH DAY

House Chamber, Olympia, Wednesday, February 22, 2006

The House was called to order at 9:55 a.m. by the Speaker (Representative Lovick presiding).

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

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

REPORTS OF STANDING COMMITTEES

February 20, 2006

ESSB 5204 Prime Sponsor, Senate Committee On Judiciary: Modifying the chattel lien process. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

February 20, 2006

SB 6208 Prime Sponsor, Senator Rockefeller: Simplifying session law publication. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

February 20, 2006

SB 6264 Prime Sponsor, Senator Kohl-Welles: Allowing an injured worker to change total permanent disability pension options under certain circumstances. Reported by Committee on Commerce & Labor

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

Chandler, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 20, 2006

SB 6453 Prime Sponsor, Senator Mulliken: Establishing a one thousand dollar minimum monthly benefit for certain plan 1 members of the public employees' retirement system and certain plan 1 members of the teachers' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 20, 2006

SB 6504 Prime Sponsor, Senator Berkey: Prohibiting public hospital district employees from serving as commissioners. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Takko and Woods.

Passed to Committee on Rules for second reading.

February 20, 2006

SB 6531 Prime Sponsor, Senator Weinstein: Preserving remedies when limited liability companies dissolve. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

February 20, 2006

SB 6541 Prime Sponsor, Senator Prentice: Regarding appeal bond requirements against signatories of the tobacco master settlement agreement. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) Over the past five years, Washington has received more than seven hundred million dollars from the tobacco master settlement agreement;

(b) While the state has securitized a portion of the moneys it was promised under the master settlement agreement, the remainder of the master settlement agreement payments is used to fund important health programs such as the state's basic health plan, children's health insurance, childhood vaccines, and public health;

(c) Litigation now pending in the state or filed in the future could result in damage awards against master settlement agreement signatories or their successors or affiliates that are so large that the defendants could obtain a stay of the execution of the judgment while they appeal only by declaring bankruptcy, rather than posting an appeal bond under state law;

(d) Should a master settlement agreement signatory declare bankruptcy, issues might be raised about whether that disrupts or jeopardizes the payments that fund important state programs;

(e) The legislature has the substantive obligation to raise revenue and to protect the financial well-being of the state and its citizens. Pursuant to that obligation, it is the legislature's responsibility to ensure the continued receipt of master settlement agreement funds to the maximum extent possible.

(2) Therefore, the legislature intends to place a maximum limit on the appeal bond a master settlement agreement signatory or a successor or affiliate of a master settlement agreement signatory can be required to post in litigation in order to stay execution of the judgment without being forced into bankruptcy while it exercises its right to appeal an adverse judgment.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.340 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, in order to secure and protect the moneys to be received as a result of the master settlement agreement in civil litigation under any legal theory involving a signatory, a successor of a signatory, or any affiliate of a signatory to the master settlement agreement, the supersedeas bond to be furnished in order to stay the execution of the judgment during the entire course of appellate review shall be set in accordance with applicable laws or court rules, except that the total bond that is required of all appellants collectively shall not exceed one hundred million dollars, regardless of the value of the judgment.

(2) If an appellee proves by a preponderance of the evidence that an appellant is dissipating assets outside the ordinary course of business to avoid the payment of a judgment, a court may require the appellant to post a bond in an amount up to the amount of the judgment.

**NEW SECTION. Sec. 3.** This act applies to all actions pending on or filed on or after the effective date of this section."

Correct the title.

Signed by Representatives Sommers, Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Dunshee; Grant; Haigh; Hinkle; Hunter; Kenney; Kessler; McDonald; McIntire; Miloscia; Pearson; Priest; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Signed by Representatives Darneille; Kagi; Linville; McDermott and Schual-Berke.

Passed to Committee on Rules for second reading.

February 20, 2006

SB 6596 Prime Sponsor, Senator Kline: Revising the dissolution of Washington corporations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

February 20, 2006

SSB 6670 Prime Sponsor, Senate Committee On Judiciary: Changing court filing fee provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

February 20, 2006

SB 6723 Prime Sponsor, Senator Eide: Determining the retirement allowance of a member who is killed in the course of employment. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville;

McDermott; McDonald; McIntire; Miloscia; Pearson;  
Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 20, 2006

SB 6816 Prime Sponsor, Senator Zarelli: Allowing county cemetery districts to include areas within cities and towns. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Takko and Woods.

Passed to Committee on Rules for second reading.

February 21, 2006

SSB 6851 Prime Sponsor, Senate Committee On Financial Institutions, Housing & Consumer Protection: Revising provisions concerning closure of mobile home parks and manufactured housing communities. Reported by Committee on Housing

MAJORITY recommendation: Do pass as amended.

On page 1, line 19, after "days" insert "of the date notice was given to all tenants as required by RCW 59.20.080"

Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Dunn, Assistant Ranking Minority Member; McCune; Ormsby; Schindler and Sells.

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.

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., February 23, 2006, the 46th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

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