

**FORTY-SIXTH DAY**

NOON SESSION

Senate Chamber, Olympia, February 24, 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 22, 2005

SB 5092 Prime Sponsor, Jacobsen: Creating a beginning farmers loan program. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5092 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5093 Prime Sponsor, Jacobsen: Creating a matching fund program for agricultural economic planning. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 22, 2005

SB 5109 Prime Sponsor, Jacobsen: Preserving farm and agricultural land through conservation futures levies. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 22, 2005

SB 5126 Prime Sponsor, Kohl-Welles: Developing policies, procedures, and mandatory training programs on sexual harassment for all state employees. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5126 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5144 Prime Sponsor, Eide: Providing for a simple majority of voters voting to authorize school district levies and bonds. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 23, 2005

SB 5225 Prime Sponsor, Jacobsen: Concerning a multiple season big game permit. Reported by Committee on Natural Resources, Ocean & Recreation

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

MINORITY recommendation: Do not pass. Signed by Senator Morton

Passed to Committee on Rules for second reading.

February 23, 2005

SB 5226 Prime Sponsor, Jacobsen: Providing for temporary combination fishing licenses. 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 Ways & Means.

February 23, 2005

SB 5227 Prime Sponsor, Jacobsen: Decriminalizing certain hunter reporting requirements. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5227 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

February 23, 2005

SB 5233 Prime Sponsor, Doumit: Defining "deliver" and "delivery" for food fish and shellfish. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5233 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 Rules for second reading.

February 22, 2005

SB 5327 Prime Sponsor, Fairley: Creating an office of privacy protection. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Fairley, Kohl-Welles, Pridemore, Rasmussen, Roach, Rockefeller and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Hewitt, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5340 Prime Sponsor, Rasmussen: Creating the military department capital account and rental and lease account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Fairley, Hewitt, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 23, 2005

SB 5378 Prime Sponsor, Pridemore: Allowing counties to increase funding for properties acquired through conservation futures. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5378 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Spanel and Swecker

Passed to Committee on Ways & Means.

February 23, 2005

SB 5419 Prime Sponsor, Fraser: Changing water permit processing provisions. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5419 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

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

Passed to Committee on Ways & Means.

February 22, 2005

SB 5432 Prime Sponsor, Spanel: Creating the oil spill monitoring and oversight council. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: That Substitute Senate Bill No. 5432 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala

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

Passed to Committee on Ways & Means.

February 23, 2005

SB 5539 Prime Sponsor, Jacobsen: Creating the veterans conservation corps program. Reported by Committee on Natural Resources, Ocean & Recreation

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

Passed to Committee on Ways & Means.

February 22, 2005

SB 5686 Prime Sponsor, Fairley: Regulating check cashers and sellers. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5686 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5776 Prime Sponsor, Rasmussen: Extending the date when counties which have authorized facilities for agriculture promotion must allow a credit for city lodging taxes. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5776 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 23, 2005

SB 5786 Prime Sponsor, Weinstein: Authorizing voter approved regular property tax levies for school purposes. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Without recommendation. Signed by Senators McAuliffe, Chair; Berkey, Eide, Kohl-Welles, Pridemore, Rasmussen, Rockefeller, Shin and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Benton, Carrell, Delvin and Schoesler

Passed to Committee on Ways & Means.

February 23, 2005

SB 5818 Prime Sponsor, Doumit: Transferring the department of natural resources' law enforcement program to the department of fish and wildlife. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5818 be substituted therefor, and the substitute bill 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 22, 2005

SB 5831 Prime Sponsor, Morton: Concerning well construction. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Hewitt, Honeyford, Morton, Pridemore and Regala

Reported by Committee on Early Learning, K-12 & Higher Education

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Berkey, Eide, Kohl-Welles, Mulliken, Pridemore, Rasmussen, Rockefeller, Schoesler and Weinstein

Passed to Committee on Rules for second reading.

February 22, 2005

SB 5862 Prime Sponsor, Pflug: Creating the association of Washington generals. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5862 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Roach and Zarelli

Passed to Committee on Rules for second reading.

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. 5831 which was referred to the Committee on Rules.

MOTION

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

February 22, 2005

SB 5877 Prime Sponsor, Prentice: Addressing the employment and retirement rights of members of the armed forces called to active duty. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Fairley, Hewitt, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 6036 by Senators Berkey and Mulliken

AN ACT Relating to requiring a review of land use permitting processes; and creating new sections.

Referred to Committee on Government Operations & Elections.

February 22, 2005

SB 5962 Prime Sponsor, Haugen: Protecting customary agricultural practices against nuisance actions. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

SB 6037 by Senators Sheldon and Rockefeller

AN ACT Relating to connection of limited areas of more intensive rural development for recreational or tourist use to existing public facilities; and amending RCW 36.70A.070.

Referred to Committee on Government Operations & Elections.

February 22, 2005

SB 5968 Prime Sponsor, Rasmussen: Requiring a study of the economic and social contribution of agricultural fairs to Washington state. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5968 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

SB 6038 by Senators Fairley and Kline

AN ACT Relating to medical malpractice rates; and adding new sections to chapter 48.19 RCW.

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

SB 6039 by Senator Haugen

AN ACT Relating to the aircraft fuel tax; and amending RCW 82.42.030.

Referred to Committee on Transportation.

February 22, 2005

SJR 8202 Prime Sponsor, Eide: Amending the Constitution to provide for a simple majority of voters voting to authorize school district levies. Reported by Committee on Ways & Means

MINORITY recommendation: Do not pass. Signed by Senators Hewitt, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

SB 6040 by Senators Jacobsen, Haugen, Swecker and Spanel

AN ACT Relating to authorizing county taxes for the construction, design, repair, or improvement of viaducts and bridges; amending RCW 36.100.040 and 36.38.010; adding new sections to chapter 82.14 RCW; and providing contingent expiration dates.

Referred to Committee on Transportation.

February 23, 2005

SCR 8401 Prime Sponsor, Jacobsen: Creating a joint select committee concerning Latino accessibility to higher education.

SB 6041 by Senators Kohl-Welles, Keiser and Kline

AN ACT Relating to industrial insurance, but only with respect to defining wages to include the cost of health

insurance and modifying applications for a change of circumstances; and amending RCW 51.08.178.

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

SB 6042 by Senators Kohl-Welles, Keiser and Kline

AN ACT Relating to industrial insurance, but only with respect to defining wages to include the cost of health insurance; and amending RCW 51.08.178.

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

SB 6043 by Senators Brandland, Fairley, Benson, Keiser, Schmidt, Spanel, Benton, Franklin, Berkey, Kohl-Welles and Rasmussen

AN ACT Relating to breaches of security that compromise personal information; adding a new section to chapter 42.17 RCW; and adding a new chapter to Title 19 RCW.

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

SB 6044 by Senators Franklin, Benton and Kohl-Welles

AN ACT Relating to housing assistance for low-income persons; amending RCW 36.22.178; and adding a new chapter to Title 36 RCW.

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

SB 6045 by Senators Honeyford and Hewitt

AN ACT Relating to accelerating legislative approval of public works projects; and amending RCW 43.155.070.

Referred to Committee on Ways & Means.

SB 6046 by Senators Shin and Rasmussen

AN ACT Relating to financing local economic development projects; amending RCW 70.105D.020; and adding a new chapter to Title 43 RCW.

Referred to Committee on International Trade & Economic Development.

SB 6047 by Senators Brandland and Rasmussen

AN ACT Relating to the removal of gravel from waterways to reduce the impact of flooding; amending RCW 36.32.290 and 79.90.150; adding a new section to chapter 86.09 RCW; adding a new section to chapter 85.05 RCW; and adding a new section to chapter 77.55 RCW.

Referred to Committee on Water, Energy & Environment.

SB 6048 by Senator Jacobsen

AN ACT Relating to creating nonpartisan commissions for judicial nominees; amending RCW 2.04.100 and 2.06.080; adding new sections to chapter 2.04 RCW; and providing a contingent effective date.

Referred to Committee on Judiciary.

SB 6049 by Senators Parlette, Sheldon, Benton, Benson, Zarelli, Brandland, Carrell, Deccio, Hewitt, Johnson, Oke, Schoesler, Morton, Roach, Esser, Schmidt, Finkbeiner, Swecker, Honeyford, McCaslin and Mulliken

AN ACT Relating to small business health savings accounts; and amending RCW 48.21.045, 48.44.023, and 48.46.066.

Referred to Committee on Health & Long-Term Care.

SB 6050 by Senators Parlette, Doumit, Morton and Mulliken

AN ACT Relating to providing financial assistance to cities, towns, and counties; amending RCW 82.45.060; reenacting and amending RCW 43.79A.040; adding a new section to chapter 43.31 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SJR 8213 by Senators Carrell, Roach, Benton, Schoesler, Mulliken, Stevens, Swecker, Morton, Delvin, Schmidt, Brandland and Esser

Repealing a conflicting residency requirement for voting in a presidential election.

Referred to Committee on Government Operations & Elections.

SJR 8214 by Senator Jacobsen

Requiring that supreme court vacancies be filled according to statute.

Referred to Committee on Judiciary.

SJR 8215 by Senators Esser, Finkbeiner, Oke and Mulliken

Removing the legislature from the election certification process.

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

At 12:02 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, February 25, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate