

TWENTY-FOURTH DAY, JANUARY 31, 2007

2007 REGULAR SESSION

TWENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 31, 2007

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 with the exception of Senators Kastama, Pflug and Tom.

The Sergeant at Arms Color Guard consisting of Pages Anastasia Boyer and Katherine Boyer, presented the Colors. Pastor Tom Decker of the Seventh Day Adventist 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 29, 2007

SB 5087 Prime Sponsor, Haugen: Addressing Washington state compliance with the federal REAL ID Act of 2005. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5087 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

January 29, 2007

SB 5088 Prime Sponsor, Haugen: Regulating ferry queues. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

January 29, 2007

SB 5134 Prime Sponsor, Haugen: Authorizing police officers to impound vehicles operated by drivers without specially endorsed licenses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Delvin, Jacobsen, Kastama, Kauffman, Kilmer, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Clements and Holmquist

Passed to Committee on Rules for second reading.

January 29, 2007

SB 5270 Prime Sponsor, Kohl-Welles: Allowing advance deposit wagering to continue beyond October 1, 2007. Reported by Committee on Labor, Commerce, Research & Development

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

Passed to Committee on Rules for second reading.

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SB 5273 Prime Sponsor, Swecker: Modifying motorcycle driver's license endorsement and education provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Jacobsen, Kastama, Kauffman, Kilmer, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

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SB 5279 Prime Sponsor, Franklin: Creating the children's environmental health and protection advisory council. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles and Marr

MINORITY recommendation: Do not pass. Signed by Senators Parlette and Pflug. Without recommendation. Signed by Senator Carrell

Passed to Committee on Ways & Means.

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SB 5366 Prime Sponsor, Haugen: Authorizing the issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5366 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

January 29, 2007

SB 5376 Prime Sponsor, Murray: Modifying gambling commission powers and duties to temporarily issue, suspend, and renew licenses. Reported by Committee on Labor, Commerce, Research & Development

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

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Passed to Committee on Rules for second reading.

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SB 5389 Prime Sponsor, Hewitt: Approving the importing of one simulcast race of regional or national interest on horse race days. Reported by Committee on Labor, Commerce, Research & Development

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

Passed to Committee on Rules for second reading.

January 29, 2007

SB 5459 Prime Sponsor, Haugen: Addressing Washington state patrol longevity bonuses. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5459 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Clements, Delvin, Holmquist, Jacobsen, Kastama, Kilmer, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Berkey and Kauffman

Passed to Committee on Rules for second reading.

January 29, 2007

SJR 8211 Prime Sponsor, Haugen: Increasing state indebtedness limits for transportation projects. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 8211 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Clements, Delvin and Holmquist

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 fifth order of business.

INTRODUCTION AND FIRST READING

SB 5750 by Senators Fairley, Regala, Fraser, Keiser, Marr, Berkey, Rasmussen, Kohl-Welles and Murray

AN ACT Relating to insurance coverage for neurodevelopmental therapies; and amending RCW 41.05.170, 48.21.310, 48.44.450, and 48.46.520.

Referred to Committee on Health & Long-Term Care.

SB 5751 by Senators Kohl-Welles, Hewitt and Rockefeller

AN ACT Relating to wine and beer tasting; creating a new section; and providing an expiration date.

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

SB 5752 by Senators Stevens and Shin

AN ACT Relating to vocational rehabilitation services for volunteer firefighters and reserve officers; amending RCW 41.24.010; adding a new section to chapter 41.24 RCW; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5753 by Senator Stevens

AN ACT Relating to animal identification programs; and adding a new chapter to Title 16 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5754 by Senator Stevens

AN ACT Relating to creating the family, children, and youth administration within the department of social and health services; amending RCW 43.20A.010, 43.20A.060, 26.44.125, 26.44.220, 28A.300.800, 72.05.435, 74.13.570, and 74.13.660; adding a new section to chapter 43.20A RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 5755 by Senators Stevens, Morton, Swecker and Benton

AN ACT Relating to remedial postsecondary education; reenacting and amending RCW 28A.225.220; adding new sections to chapter 28B.10 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28B.15 RCW; and creating a new section.

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

SB 5756 by Senators Franklin, Jacobsen, Kline, Murray, Kohl-Welles, Fairley, Spanel and Regala

AN ACT Relating to health care financing; amending RCW 41.05.130, 66.24.290, 82.24.020, 82.26.020, 82.08.150, 43.79.480, and 41.05.220; reenacting and amending RCW 41.05.120; adding new sections to chapter 82.02 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 82.04.260 and 48.14.0201; making an appropriation; providing effective dates; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 5757 by Senators Pridemore, Zarelli, Oemig, Roach, Fraser, Kohl-Welles and Kline

AN ACT Relating to fairness and equity in health professions licensing fees; and amending RCW 43.70.250.

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Referred to Committee on Health & Long-Term Care.

SB 5758 by Senators Murray, Hewitt and Eide

AN ACT Relating to the taxation of temporary staffing services; amending RCW 82.04.460, 82.04.190, 82.04.290, and 82.08.054; reenacting and amending RCW 82.08.050; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5759 by Senators Schoesler, Delvin and Shin

AN ACT Relating to executive state officers; and amending RCW 42.17.2401.

Referred to Committee on Higher Education.

SB 5760 by Senators Poulsen, Fraser, Rockefeller, Spanel, Jacobsen, Pflug, Kline, Parlette, Oemig, Rasmussen, Shin and Kohl-Welles

AN ACT Relating to the energy freedom program, including activities to promote green highways; amending RCW 15.110.005, 15.110.010, 15.110.020, 15.110.040, 15.110.060, 47.17.020, 47.17.135, and 47.17.140; adding new sections to chapter 15.110 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Water, Energy & Telecommunications.

SB 5761 by Senators Rasmussen, Morton and Schoesler

AN ACT Relating to the taxation of vegetation management services using goats or sheep; reenacting and amending RCW 82.04.050; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5762 by Senators Kilmer, Kastama, Clements, Kauffman, Pridemore, Rasmussen, Shin and McAuliffe

AN ACT Relating to dedicated funding for jobs, economic development, and local capital projects; amending RCW 43.160.020, 43.160.030, 43.160.050, 43.160.060, 43.160.070, 82.45.060, 43.160.080, and 82.46.010; amending 2005 c 425 s 6 (uncodified); amending 2006 c 371 s 238 (uncodified); reenacting and amending RCW 43.160.010, 43.160.076, and 82.46.035; creating a new section; repealing RCW 43.160.100, 43.160.120, 43.160.130, 43.160.140, 43.160.150, 43.160.160, 43.160.170, 43.160.200, 43.160.210, and 43.160.220; and providing an effective date.

Referred to Committee on Economic Development, Trade & Management.

SB 5763 by Senators Shin, Delvin and Kohl-Welles

AN ACT Relating to the rate of business and occupation taxation for persons engaged in certain life sciences research, development, and production; and reenacting and amending RCW 82.04.260.

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

SB 5764 by Senators Schoesler and Rasmussen

AN ACT Relating to the sales and use taxation of repairs to farm machinery and equipment; and amending RCW 82.08.855 and 82.12.855.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5765 by Senators Rasmussen and Schoesler

AN ACT Relating to the sales and use taxation of repairs to farm machinery and equipment; and amending RCW 82.08.855 and 82.12.855.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5766 by Senators Fraser, Brandland, Marr, Shin, Schoesler, Delvin, Hatfield and Tom

AN ACT Relating to investment of funds derived from the sale of lands set apart for institutions of higher education; amending RCW 39.42.070, 39.42.090, 43.79.010, 43.79.060, 43.79.110, 43.79.130, and 43.79.160; and providing a contingent effective date.

Referred to Committee on Ways & Means.

SB 5767 by Senators Jacobsen, Zarelli, Murray, Spanel and Haugen

AN ACT Relating to the imposition of fees by transportation benefit districts; and amending RCW 36.73.065 and 82.80.140.

Referred to Committee on Transportation.

SB 5768 by Senators Kilmer, Zarelli, Prentice, Murray, Hewitt, Franklin and Regala

AN ACT Relating to excise taxation of electronically delivered financial information; amending RCW 82.04.120; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5769 by Senators McAuliffe, Schoesler, Kohl-Welles, Marr, Kilmer, Kline, Rasmussen, Shin and Murray

AN ACT Relating to early learning and child care programs grants; creating a new section; making an appropriation; and providing an expiration date.

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

SB 5770 by Senators Shin, Schoesler and Kilmer

AN ACT Relating to work performed by institutions of higher education; and amending RCW 28B.10.350.

Referred to Committee on Higher Education.

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SB 5771 by Senators Oemig and Hargrove

AN ACT Relating to providing return postage on absentee ballots; and amending RCW 29A.40.091.

Referred to Committee on Government Operations & Elections.

SB 5772 by Senators Kohl-Welles, Franklin, Keiser and Kline

AN ACT Relating to certifying an employee organization for the purposes of state collective bargaining; and amending RCW 41.56.060, 41.76.020, and 41.80.080.

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

SB 5773 by Senators Hargrove, Parlette and Keiser

AN ACT Relating to treatment records; and amending RCW 71.05.630 and 71.05.020.

Referred to Committee on Human Services & Corrections.

SB 5774 by Senators Hargrove, Kohl-Welles, Brandland and Shin

AN ACT Relating to background check requirements for the department of social and health services and the department of early learning; amending RCW 26.33.190, 26.44.030, 41.06.475, 43.43.830, 43.43.832, 43.43.842, 70.128.120, 70.128.130, 70.129.130, 71.09.115, 71.09.300, and 72.23.035; reenacting and amending RCW 74.15.030; adding a new chapter to Title 43 RCW; creating a new section; repealing RCW 41.06.476, 43.20A.710, 41.06.480, and 72.05.440; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5775 by Senators Kauffman, Rasmussen, Zarelli, Berkey, Oemig, McAuliffe, Shin and Kohl-Welles

AN ACT Relating to special education; amending RCW 28A.155.010, 28A.155.020, 28A.155.030, 28A.155.040, 28A.155.050, 28A.155.060, 28A.155.065, 28A.155.070, 28A.155.070, 28A.155.080, 28A.155.090, 28A.155.100, 28A.155.115, 28A.155.140, and 28A.155.160; providing an effective date; and providing an expiration date.

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

SB 5776 by Senators McAuliffe, Kauffman, Franklin, Fairley, Murray, Kohl-Welles, Delvin, Keiser, Kilmer, Jacobsen, Tom, Rockefeller, Kline, Rasmussen and Shin

AN ACT Relating to foster care benefits; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Human Services & Corrections.

SB 5777 by Senators McAuliffe, Kauffman, Franklin, Fairley, Murray, Keiser, Kohl-Welles, Delvin, Kilmer and Jacobsen

AN ACT Relating to the duties of the department of social and health services; and reenacting and amending RCW 74.13.031.

Referred to Committee on Human Services & Corrections.

SB 5778 by Senators Fraser, Rockefeller, Poulsen and Kline

AN ACT Relating to implementation of shellfish protection programs; and amending RCW 90.72.030 and 90.72.045.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5779 by Senators Prentice and Pridemore

AN ACT Relating to public pensions that revises gain-sharing provisions and makes certain changes in benefits for the teachers' retirement system, the school employees' retirement system, and the public employees' retirement system; amending RCW 41.34.020, 41.34.040, 41.34.060, 41.31A.020, 41.34.110, 41.32.835, 41.32.840, 41.35.610, 41.35.620, 41.40.790, 41.31.010, and 41.31.020; adding new sections to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; adding new sections to chapter 41.40 RCW; adding new sections to chapter 41.34 RCW; creating a new section; decodifying RCW 41.31A.020, 41.31.010, and 41.31.020; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5780 by Senators Eide, Kastama, Kauffman, Kilmer, Jacobsen, Rockefeller and Rasmussen

AN ACT Relating to the preservation of manufactured/mobile home communities; amending RCW 59.22.050; adding a new section to chapter 82.45 RCW; adding a new chapter to Title 59 RCW; repealing RCW 59.23.005, 59.23.010, 59.23.015, 59.23.020, 59.23.025, 59.23.030, 59.23.035, and 59.23.040; and prescribing penalties.

Referred to Committee on Consumer Protection & Housing.

SB 5781 by Senators Rasmussen, Schoesler, Morton, Jacobsen and Shin

AN ACT Relating to the business and occupation tax rate for providing a vegetation management service by using goats or sheep; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5782 by Senators McAuliffe, Schoesler, Kilmer, Eide, Shin, Marr, Kohl-Welles, Kline and Murray

AN ACT Relating to child care programs for higher education students; amending RCW 28B.135.010 and 28B.135.030; and repealing RCW 28B.135.020.

Referred to Committee on Higher Education.

SB 5783 by Senators Kohl-Welles, Zarelli, Hatfield, Franklin, Roach, Kline, Hobbs, Keiser, Kauffman, Kilmer, Kastama, Oemig, Delvin, Benton and Rasmussen

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AN ACT Relating to interest arbitration regarding certain care providers; and amending RCW 41.56.028 and 41.56.026.

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

SB 5784 by Senators Shin, Delvin, Kilmer, Sheldon, Kohl-Welles, Marr, Kauffman, Berkey and Murray

AN ACT Relating to excise taxation of required college instructional materials; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Higher Education.

SB 5785 by Senator Jacobsen

AN ACT Relating to intercounty rural library districts; and amending RCW 27.12.190.

Referred to Committee on Government Operations & Elections.

SB 5786 by Senators Kline, Murray, Regala, Weinstein, Fairley, Pridemore, Brown, Jacobsen, Rockefeller, Kohl-Welles and Spanel

AN ACT Relating to creating a death penalty task force; creating new sections; making appropriations; and providing an expiration date.

Referred to Committee on Judiciary.

SB 5787 by Senators Kline, Murray, Regala, Weinstein, Fairley, Brown, Pridemore, Jacobsen, Franklin, Rockefeller, Kohl-Welles and Spanel

AN ACT Relating to death penalty eligibility for persons who are mentally retarded or have a severe mental disorder; amending RCW 10.95.030, 10.95.060, 10.95.070, and 10.95.080; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5788 by Senators Spanel, Brandland and Kohl-Welles

AN ACT Relating to the licensing of home inspectors; adding a new chapter to Title 18 RCW; creating new sections; and prescribing penalties.

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

SB 5789 by Senators Parlette, Haugen, Pflug, Rockefeller, Carrell, Kastama, Rasmussen, Schoesler, Berkey, Hewitt, Brandland, Morton, Swecker, Stevens, Clements, Benton, Sheldon, Holmquist, Shin and Roach

AN ACT Relating to changing insurance requirements for small employers; amending RCW 70.47A.040, 48.21.045, 48.44.023, 48.46.066, 48.21.047, 48.43.028, 48.44.024, and 48.46.068; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SJR 8220 by Senators Fraser, Brandland, Marr, Shin, Schoesler, Delvin, Hatfield, Tom and Rasmussen

Eliminating prohibitions on the investment of certain state moneys.

Referred to Committee on Ways & Means.

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. 5768 which was referred to the Committee on Ways & Means.

SIGNED BY THE PRESIDENT

The President signed:
SECOND SUBSTITUTE HOUSE BILL NO. 1095,
HOUSE BILL NO. 1168,

MOTION

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

MOTION

Senator Haugen moved adoption of the following resolution:

SENATE RESOLUTION
8613

By Senators Haugen and Spanel

WHEREAS, La Conner High School this past fall claimed the 2B State Championship volleyball title when the Lady Braves capped a greatly successful season with a three games to zero victory in the championship match; and

WHEREAS, Along with capturing the 2B state title the Lady Braves, led by Coach Suzanne Marble, finished the season with a perfect record of 20-0 in matches and an amazing 60-0 in games; and

WHEREAS, The winning of the 2B state title by La Conner marks the first time since 1986 that a school west of the Cascade Mountains has been the 2B state champions; and

WHEREAS, Coach Suzanne Marble was named Coach of the Year in the Northwest Conference; and

WHEREAS, Setter Carlee Marble was named Most Valuable Player in the Northwest 1A/2B League; and

WHEREAS, A total of 6 La Conner players achieved all league honors; and

WHEREAS, The junior varsity team also finished the season without a defeat;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the La Conner Lady Braves on their undefeated season and 2B State Volleyball Championship; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the La Conner School District Superintendent, La Conner High School Principal, and La Conner High School's Lady Braves Team Members and Coaches.

Senator Haugen 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 Haugen carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

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The President welcomed and introduced members of the La Conner High School Volleyball Team who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

MOTION

Without objections, on motion of Senator Eide, Gubernatorial Appointments GA 9033, Eric Liu, Member, State Board of Education; 9037, Kristina Mayer, Member, State Board of Education; and 9043, Gerald Morgen, Member, Personnel Appeals Board were returned to the Committee on Rules.

The motion by Senator Eide was adopted by voice vote.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9056, Dolorita Reandeu, as a member of the Board of Trustees, State School for the Deaf, be confirmed.

Senator Pridemore spoke in favor of the motion.

APPOINTMENT OF DOLORITA REANDEAU

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9056, Dolorita Reandeu as a member of the Board of Trustees, State School for the Deaf.

MOTION

On motion of Senator Regala, Senators Kastama, Weinstein and Tom were excused.

MOTION

On motion of Senator Brandland, Senator Pflug was excused.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9056, Dolorita Reandeu as a member of the Board of Trustees, State School for the Deaf and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Excused: Senators Kastama, Pflug and Tom - 3

Gubernatorial Appointment No. 9056, Dolorita Reandeu, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, State School for the Deaf.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Clements moved that Gubernatorial Appointment No. 9021, Paul P. George, as a member of the Horse Racing Commission, be confirmed.

Senators Clements and Rasmussen spoke in favor of the motion.

APPOINTMENT OF PAUL P. GEORGE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9021, Paul P. George as a member of the Horse Racing Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9021, Paul P. George as a member of the Horse Racing Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senator Hewitt - 1

Excused: Senators Kastama and Pflug - 2

Gubernatorial Appointment No. 9021, Paul P. George, having received the constitutional majority was declared confirmed as a member of the Horse Racing Commission.

PERSONAL PRIVILEGE

Senator Rasmussen: "Thank you. Well ladies and gentlemen of the Senate, today is Dairy Day in the Legislature. Today's the day we honor the men and women of the Dairy industry and their families. This is a marvelous day for all of us in the Legislature because we have the opportunity to honor our dairy families and the dairy producers across the state. Also, you will get to enjoy the twenty-five hundred ice cream bars that are going to be handed out by the men and women of the Dairy Federation and by Dairy Ambassadors. I'm very, very privileged as a former dairy farmer to say welcome to the dairy industry, the producers, the men and women who make this wonderful product called milk. I hope you'll all share with me and you'll toast a glass of milk the next time you sit down for lunch and dinner and don't forget to go out and meet our Dairy Ambassadors and men and women of our dairy industry and have an ice cream bar. Thank you very much."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the 2006-2007 Dairy Ambassadors Trista Van Berkim, Debbie Branch and Melisa Lancaster who were seated at the rostrum and Dairy Ambassadors who were seated in the Gallery.

With permission of the Senate, business was suspended to allow Trista Van Berkim, Dairy Ambassador, to address the Senate.

REMARKS BY MS. TRISTA VAN BERKIM

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Trista Van Berkim: “Honorable Lieutenant Governor Owen, members of the Senate and guests. Three point five billion dollars. That is the estimated annual economic impact of the dairy industry in Washington State. After apples, milk is the second largest agriculture commodity produced in Washington. Washington Dairy farmers take pride in producing some of the highest quality milk in the nation. We also take pride in helping the people of our state prosper. For every one million dollars in finished dairy products twenty jobs are supported in farming, processing, distribution and marketing. Dairy farms also improve the environment. Land conservation efforts by dairy farmers has supported thousands of acres of open habitat used by the many different migratory birds believed that live in our fields. Our state has long been blessed with the thriving dairy industry. But what about if that were not the case, stop and imagine that for a moment. No dairy industry, the very landscape of our evergreen state would be dramatically altered not to mention our daily diets. Cereal with no milk in the morning? No thank you. And lasagna with Wisconsin cheese? Not my preference and we could just say goodbye to those creamy mochas and lattes that we all have come to rely on in the mornings. I want to thank you for what you have done to protect the dairy industry and dairy farmers like my dad. Your pen is a powerful tool and my challenge for you today is to continue to protect the family dairy farmer so that our imagined dairy-less state does not become a reality. Washington, have you got milk?”

REMARKS BY THE PRESIDENT

President Owen: “Trista, thank you very much and to all the Ambassadors, thank you all for what you do.”

PERSONAL PRIVILEGE

Senator Delvin: “Well, several, actually Mr. President. One, milk does a body good as the former speaker didn’t certainly restrict the height growth there. Also, Mr. President, we have a new person on the dais to recognize that because I know the gentleman from the fourteenth with his hearing implements couldn’t hear those vote counts and that brings me to him. He stood up earlier for that gubernatorial appointment. He disclosed some of his dealing with the gentleman but he didn’t disclose them all. I first came to Olympia back in ’94 with the good gentleman from the fourteenth district. We both entered the House of Representatives and he disclose everything when he was the nomination and he forgot to disclose some things. One, because he says he knows horse racing, I think he owned some ponies at one time or he at least he gave some money on some ponies sometimes that I don’t think that he disclosed that little known fact so he does have an interest in that sport. Also, you know yesterday I think we were delivered some apples to our offices from the Apple Commission and he use to be the president of the Apple Commission. He didn’t disclose that fact either. I gave my apples away knowing, to a good friend, knowing that they could better use them me because I thought we’d probably have a lot of apples this session knowing that the gentleman from the fourteenth district. He use to grow them. Maybe he still has an apple tree or two that we’d have all the apples we would need here. That’s one thing else he didn’t disclose about his past that he does grow apples and he has a relationship there with those apples too. The other thing, he resigned from the House before coming to the Senate and when I think a less than honorable way got an appointment. Now, my appointment two years ago I think was an honorable appointment but I think, in his case, he came here under less honorable method. I think he, well, I just don’t think the voters

had a chance to really vote who they wanted as their Senator from the fourteenth and hopefully they’ll be given that opportunity in the next year to do that. So, this was his first speech today on the floor of the Senate. Hopefully, it won’t be his last, I know we’ll probably regret that that we allowed him to speak the first time because he certainly has a reputation in the House for some of his speeches. You know some sayings like ‘This dog don’t hunt or This old porch dog isn’t whatever that porch dog does’ but so I’d just like to congratulate the gentleman from the fourteenth district for his first and look forward to a nice gift that doesn’t include apples - does not include apples. Thank you.”

PARLIAMENTARY INQUIRY

Senator Keiser: “Well, it seems to me that the gentleman from the fourteenth district has spoken before today. I recall last week a fine resolution brought forward to the floor about our colleague Senator Deccio and it seems to me that I recall the gentleman from the fourteenth district standing up and speaking out and here he’s done it again. So, how do we allow in our rules on this August bodies floor to recognize and acknowledge someone’s first speech when it is his second?”

REMARKS BY THE PRESIDENT

President Owen: “That was a point of order that you raised that you raised. You know, the President raises the same question and Senator Clements did approach me the other day and he implied, - I add a strong emphasis- implied that the President said that that would not count as first speech. That would imply that the President made a mistake which of course is a very bad mistake on his part. The point is well taken.”

PARLIAMENTARY INQUIRY

Senator Honeyford: “This gentleman made promises after that first speech and the tribute has not been received and so I’m inquiring as to can his microphone be turned off until that tribute is paid?”

PERSONAL PRIVILEGE

Senator McCaslin: “I have an answer for the question raised about his second speech. It means he has to give us two gifts.”

POINT OF INQUIRY

Senator Schoesler: “Would the gentleman from the fourteenth district yield to a question?”

Senator Clements: “No.”

PERSONAL PRIVILEGE

Senator Schoesler: “Thank you Mr. President. If the gentleman were to have yielded to a question, I think the body would of liked to have known what gifts he comes bearing. Now, think about this. In the spirit of his predecessor, it should almost certainly include the other white meat, pork. Because no one was more successful at procurement of the other white meat than his predecessor. He has apparently learned one thing from his predecessor. He’s already cut a deal with the chairman from the Yakima County Democrats. Already, not even one month and he’s cut a deal across the aisle. I think he did learn a few things except the bearing of gifts that should come with this

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lofty position he has inherited. I can't help but believe that without a gift, they'll never be a street or a building named after the new Senator from the fourteenth district, but he did explain his background with horse racing. And that background in horse racing runs deep, in fact, my uncle worked with the gentleman's father-in-law a generation ago in that industry so I think we should congratulate him on his maiden, as the term is known in horse racing, and wish him the very best of luck in this body."

PERSONAL PRIVILEGE

Senator Rockefeller: "Well, to judge from the remarks of the good gentleman from the eighth district, I'd like to refer to the gentleman from the fourteenth as the almost-honorable Senator Clements. But laying that aside Mr. President, I do have a concern that the real Jim Clements has not yet appeared before us. After all, I served in the House as many of us here today in that other body and I must say that his performance so far in speaking to a gubernatorial appointment is remarkably subdued compared to the style that he has exhibited so well when he was a member of the other chamber so, I remember for example, his famous, 'I see a train wreck coming' speech when he spoke about WASL and it left an indelible impression on all of us who heard it. I do hope the real Senator Clements will soon appear here in the Senate. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Thank you Mr. President. Well, I have to take exception with what term was used by the good Senator from the ninth legislative district. Maiden speech, now, I revere the good gentleman from the fourteenth district very much and because he is so known for the political correctness of his speech at all times. I don't know that maiden is the right term to use for his first speech. I mean, we could say, inaugural speech or initial speech on the senate floor, introductory, pioneering. We could even get to cleansing or purifying, debutante maybe untouched and if we could be really down to earth here perhaps spring chicken or jail bait or undflowered but maiden is something I just don't think is appropriate to use for the first remarks or second on the senate floor of the good Senator from the fourteenth district."

PERSONAL PRIVILEGE

Senator Rasmussen: "Well, the good gentleman from the fourteenth district I've known for a long time is a fellow agriculture producer but I want you to know as Chair of Agriculture this fellow is high maintenance. He is really high maintenance. He smiles a lot. He talks a lot but he's really high maintenance so watch out all of you."

PERSONAL PRIVILEGE

Senator Clements: "Thank you Mr. President and the rest of the body. The accolades were absolutely different. As far as somebody coming from the other body when I went back to my district, Mr. President, to get gifts because the first day I was here I asked the good friend from the ninth district some of the protocols. He said, 'The first protocol is, the first time you speak you come bringing gifts' and I had to have that explained. Then my friend from the seventh I asked if Krugerrands, chocolate of course, would be appropriate and he didn't think so. In the course of time I know I approached the good President on my opportunity to follow the Senators from the fourteenth district

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appreciation. Well, you're the fourth, oh, I'm the fourteenth. There was some mis-communication but I can assure you that I went back to the fourteenth district and I went to an organization that represents the Growers Co-Op and that's Tree Top and it signifies for me part of my home town that has brought great prosperity and many, many jobs, dealing with a multiple and, I'm sorry to say it, of apple products but I'm happy to say. When I got back to the fourteenth district some of my friends said to me 'Senator Clements, how have you adjusted your first two weeks?' and from the fine lady of the forty-seventh who I have a couple of committees, I said 'It's been charming, a number of the members are very gracious and very kind,' and I, being an alpha male, I've had to have some adjustments in some in some of the committees that I'm on but I'm not collard but I'm well-house-broken. And being the second speech and I think remiss about that a great philosopher from Eastern Washington shared this with his caucus and today it is the second mouse that get's the cheese and I have brought gifts from my district and I hope they can be shared and I hope you look at them because they do signify who we are in the fourteenth district even with the Senator that doesn't hear well. He doesn't have to worry about combing his hair and in time we will take an opportunity to debate with great earnestness with some of the issues my friends on the other side will bring forth but until that time, please enjoy what I brought to this body in a tradition that I think is wonderful. Thank you very much."

MOTION

On motion of Senator Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment No. 9072, James Tiffany; Gubernatorial Appointment No. 9055, Kris Pomianek; Gubernatorial Appointment No. 9038, William McDowell; and Gubernatorial Appointment No. 9079, Darlene Wilder as members of the Board of Trustees, Wenatchee Valley Community College District No. 15 and the vote of the Senate was recorded as a separate vote for each appointment.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice moved that Gubernatorial Appointment No. 9072, James Tiffany; Gubernatorial Appointment No. 9055 Kris Pomianek; Gubernatorial Appointment No. 9038 William McDowell; and Gubernatorial Appointment No. 9079 Darlene Wilder as members of the Board of Trustees, Wenatchee Valley Community College District No. 15, be confirmed.

Senators Prentice, Parlette and Morton spoke in favor of the motions.

APPOINTMENT OF JAMES TIFFANY

The President declared the question before the Senate to be the confirmations of Gubernatorial Appointment No. 9072, James Tiffany; Gubernatorial Appointment No. 9055 Kris Pomianek; Gubernatorial Appointment No. 9038 William McDowell; and Gubernatorial Appointment No. 9079 Darlene Wilder as members of the Board of Trustees, Wenatchee Valley Community College District No. 15.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9072, James Tiffany as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15 and the appointment was

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confirmed by the following vote: Yes, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Kline - 1

Excused: Senator Kastama - 1

APPOINTMENT OF KRIS POMIANEK

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9055, Kris Pomianek as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Kline - 1

Excused: Senator Kastama - 1

APPOINTMENT OF WILLIAM MCDOWELL

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9038, William McDowell as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Kline - 1

Excused: Senator Kastama - 1

APPOINTMENT OF DARLENE WILDER

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9079, Darlene Wilder as a member of the Board of Trustees, Wenatchee Community College District No. 15 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Kline - 1

Excused: Senator Kastama - 1

Gubernatorial Appointment No. 9072, James Tiffany; Gubernatorial Appointment No.9055, Kris Pomianek; Gubernatorial Appointment No. 9038, William McDowell; and Gubernatorial Appointment No. 9079, Darlene Wilder having received the constitutional majority were declared confirmed as members of the Board of Trustees, Wenatchee Valley Community College No. 15.

MOTION

At 11:05 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, February 1, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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