

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 30, 2009

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 Roach and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Delaney Ferrell and Conner O'Brien, presented the Colors. Reverend John Ericksen, retired, of the Prince of Peace Lutheran Church of Everett 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 27, 2009

SB 5024 Prime Sponsor, Senator Kline: Concerning notices of dishonor. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5042 Prime Sponsor, Senator Kilmer: Providing a waiver of penalties for first-time paperwork violations by small businesses. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5042 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5058 Prime Sponsor, Senator Rockefeller: Creating a pilot vessel amnesty disposal program. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5058 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5070 Prime Sponsor, Senator Jacobsen: Addressing threats posed by invasive species. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser and Hatfield.

MINORITY recommendation: Do not pass. Signed by Senator Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Stevens.

Passed to Committee on Ways & Means.

January 29, 2009

SB 5103 Prime Sponsor, Senator Zarelli: Concerning service animals in training. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

January 28, 2009

SB 5136 Prime Sponsor, Senator Hobbs: Regulating the use of solar energy panels by members of homeowners' associations. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5136 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

January 28, 2009

SB 5156 Prime Sponsor, Senator Brandland: Addressing certification actions of Washington peace officers. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5197 Prime Sponsor, Senator Marr: Permitting electronic signatures on applications for public assistance and for benefits administered by the health care authority. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

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SB 5268 Prime Sponsor, Senator Swecker: Creating the fish and wildlife equipment revolving account. Reported by Committee on Natural Resources, Ocean & Recreation

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MAJORITY recommendation: That Substitute Senate Bill No. 5268 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5269 Prime Sponsor, Senator Jacobsen: Establishing a license limitation program for harvest and delivery of Pacific sardines into the state. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5269 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5356 Prime Sponsor, Senator Haugen: Regarding direct retail licenses issued by the department of fish and wildlife. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5370 Prime Sponsor, Senator Franklin: Allowing electronic approval of vital records. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5501 Prime Sponsor, Senator Keiser: Concerning the secure exchange of health information. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Ways & Means.

January 29, 2009

SB 5554 Prime Sponsor, Senator Kilmer: Regarding the job skills program. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Rules for second reading.

January 29, 2009

SB 5563 Prime Sponsor, Senator Franklin: Regarding hours of labor for health care employees. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Murray and Parlette.

Passed to Committee on Labor, Commerce & Consumer Protection.

January 29, 2009

SB 5616 Prime Sponsor, Senator Shin: Connecting business expansion and recruitment to customized training. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5616 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Rules for second reading.

January 28, 2009

SB 5651 Prime Sponsor, Senator Kohl-Welles: Providing humanitarian requirements for certain dog breeding practices. Reported by Committee on Judiciary

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Labor, Commerce & Consumer Protection.

January 29, 2009

SJM 8001 Prime Sponsor, Senator Hatfield: Requesting the United States fish and wildlife service to work cooperatively with the state's regulatory agencies and energy producers with respect to the federal endangered species act. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hatfield; Stevens and Swecker.

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. 5501 which was referred to the Committee on Ways & Means.

MOTION

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

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 29, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

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PAMELA BRADBURN, reappointed January 9, 2009, for the term ending September 8, 2013, as Member of the Public Employment Relations Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce & Consumer Protection.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 5738 by Senators King, McAuliffe, Holmquist, Swecker, Oemig, Haugen, Kauffman, Honeyford and Tom

AN ACT Relating to annual compliance reports; and creating a new section.

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

SB 5739 by Senators King, Hobbs, Holmquist, Kastama, Swecker, Sheldon, Morton, Shin, Berkey and Honeyford

AN ACT Relating to renewing a concealed pistol license by members of the armed forces; and amending RCW 9.41.070.

Referred to Committee on Government Operations & Elections.

SB 5740 by Senators King, Kline, Swecker and Morton

AN ACT Relating to mandatory drug testing of peace officers; adding new sections to chapter 43.101 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5741 by Senators Schoesler, McCaslin, Sheldon, Carrell, Stevens, Morton and Honeyford

AN ACT Relating to dynamic fiscal notes; amending RCW 43.88A.010, 43.88A.030, and 43.88A.040; and adding new sections to chapter 43.88A RCW.

Referred to Committee on Ways & Means.

SB 5742 by Senators Hargrove, McCaslin, Hobbs, Schoesler and Hatfield

AN ACT Relating to local government crime-free rental housing programs; adding new sections to chapter 35.21 RCW; adding a new section to chapter 59.18 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 5743 by Senators Jarrett, McDermott, Marr, Jacobsen and Kohl-Welles

AN ACT Relating to alternative student transportation; amending RCW 47.30.050; and adding new sections to chapter 47.04 RCW.

Referred to Committee on Transportation.

SB 5744 by Senators Hargrove, Hatfield, Sheldon, Morton, Stevens, Murray, Honeyford and Shin

AN ACT Relating to public utility tax for log transportation businesses; amending RCW 82.16.010 and 82.16.020; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5745 by Senators Hargrove and Jacobsen

AN ACT Relating to addressing the spread of invasive plant species in Washington; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5746 by Senator Hargrove

AN ACT Relating to sentencing provisions for juveniles adjudicated of certain crimes; amending RCW 13.40.308; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SB 5747 by Senators Hargrove and Kline

AN ACT Relating to imposing an additional business and occupation tax on primary plastics and plastic product manufacturers; and adding a new chapter to Title 82 RCW.

Referred to Committee on Environment, Water & Energy.

SB 5748 by Senators Eide, Morton, Berkey, Sheldon, Marr, Delvin, Kilmer and Shin

AN ACT Relating to the office of regulatory assistance; amending RCW 43.42.005, 43.42.020, 43.42.030, 43.42.050, 43.42.060, 43.42.070, 43.21A.690, 43.70.630, 43.300.080, and 70.94.085; reenacting and amending RCW 43.42.010 and 43.30.490; and adding a new section to chapter 43.42 RCW.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5749 by Senators Berkey, Benton and Shin

AN ACT Relating to regulating the business practices of mortgage brokers for compliance with the secure and fair enforcement for mortgage licensing act of 2008; amending RCW 19.146.010, 19.146.020, 19.146.0201, 19.146.205, 19.146.228, 19.146.235, 19.146.300, and 19.146.310; adding new sections to chapter 19.146 RCW; creating a new section; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5750 by Senators Pridemore, Swecker, Hargrove, Kastama, Kauffman, Fairley, Kohl-Welles, Kline, Tom, Murray, Keiser, Jacobsen and Shin

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AN ACT Relating to protection of consumers by providing flexibility in the repayment of certain debts; amending RCW 31.45.010, 31.45.073, and 31.45.084; and adding a new section to chapter 31.45 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5751 by Senators Murray, Pflug and Keiser

AN ACT Relating to issuance of licenses to practice dentistry; and reenacting and amending RCW 18.32.195.

Referred to Committee on Health & Long-Term Care.

SB 5752 by Senators Marr, Pflug, Hobbs and Keiser

AN ACT Relating to cost recovery in disciplinary proceedings involving dentists; and adding a new section to chapter 18.32 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5753 by Senators Berkey, Benton, Hobbs, Sheldon, Marr and Kline

AN ACT Relating to real estate excise tax exemptions to stabilize neighborhoods; adding new sections to chapter 82.45 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5754 by Senators Sheldon, Honeyford, Holmquist, Morton and Delvin

AN ACT Relating to setting instream flows; and amending RCW 90.54.020.

Referred to Committee on Environment, Water & Energy.

SB 5755 by Senators Oemig, Swecker, Regala, Fairley, Pflug, Zarelli, Delvin, McCaslin and Tom

AN ACT Relating to access to alternative health care practitioners; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5756 by Senators Oemig, Swecker, Fairley and Kohl-Welles

AN ACT Relating to hazardous substance information; amending RCW 70.102.010 and 70.102.020; and adding a new section to chapter 70.102 RCW.

Referred to Committee on Environment, Water & Energy.

SB 5757 by Senators Marr, McDermott, Pridemore, Fairley, Oemig and Kline

AN ACT Relating to requiring the appointment of nonvoting labor members to public transportation governing boards; amending RCW 35.58.270, 36.57.030, and 36.57A.050; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Government Operations & Elections.

SB 5758 by Senators Hargrove, Kauffman, Murray, Regala and Kohl-Welles

AN ACT Relating to notification of the duties and responsibilities of the department of social and health services to dependent children; amending RCW 74.13.031; adding a new section to chapter 74.13 RCW; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Human Services & Corrections.

SB 5759 by Senators Berkey, Benton and Hobbs

AN ACT Relating to regulating the business practices of consumer loan companies for compliance with the secure and fair enforcement for mortgage licensing act of 2008; amending RCW 31.04.015, 31.04.025, 31.04.035, 31.04.045, 31.04.102, 31.04.105, 31.04.145, and 31.04.165; adding new sections to chapter 31.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5760 by Senators Fraser, Brandland, Zarelli, Shin, Kilmer and Kohl-Welles

AN ACT Relating to the state universities' public works contracting procedures; adding a new section to chapter 28B.20 RCW; and adding a new section to chapter 28B.30 RCW.

Referred to Committee on Ways & Means.

SB 5761 by Senator Jacobsen

AN ACT Relating to recreation on lands owned by the department of natural resources; amending RCW 79.105.240; adding a new section to chapter 43.30 RCW; adding a new section to chapter 79.105 RCW; adding a new chapter to Title 79 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5762 by Senators Murray, Holmquist, Kohl-Welles and Delvin

AN ACT Relating to preventing the spread of disease in body piercing practices through standard universal precautions and sterilization requirements; amending RCW 5.40.050; adding new sections to chapter 70.54 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SB 5763 by Senators King, McAuliffe, Brandland, Haugen, Kastama, Kauffman, Oemig, Holmquist, Berkey, Eide, Shin and Tom

AN ACT Relating to requiring the adoption of policies for the management of concussion and head injury in youth sports; amending RCW 4.24.660; and adding a new section to chapter 28A.600 RCW.

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

Referred to Committee on Economic Development, Trade & Innovation.

SB 5764 by Senator Schoesler

SB 5770 by Senators Kilmer, Benton and Carrell

AN ACT Relating to horticultural pest and disease boards; and amending RCW 15.09.030.

AN ACT Relating to public notification of industrial development levies by port districts; and adding a new section to chapter 53.36 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

Referred to Committee on Government Operations & Elections.

SB 5765 by Senator Schoesler

SB 5771 by Senators Jarrett, Brandland, Oemig, Regala and Kilmer

AN ACT Relating to the fruit and vegetable district fund; and amending RCW 15.17.243.

AN ACT Relating to exempting language service providers from the definition of employment and worker for the purposes of unemployment compensation and industrial insurance; adding a new section to chapter 50.04 RCW; and adding a new section to chapter 51.08 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5766 by Senators Pridemore, Murray, Rockefeller, Regala, Kohl-Welles and Kline

Referred to Committee on Labor, Commerce & Consumer Protection.

AN ACT Relating to modifying pollution control tax incentives and providing additional funding for compensation and retraining of displaced workers; amending RCW 82.08.810 and 50.12.280; amending 1997 c 368 s 1 (uncodified); adding a new section to chapter 28C.18 RCW; adding a new section to chapter 43.31 RCW; repealing RCW 84.36.487, 82.12.810, 82.32.393, 82.08.811, and 82.12.811; making an appropriation; and providing an effective date.

SB 5772 by Senators Shin, King, Holmquist, Sheldon, Franklin, Honeyford and Keiser

Referred to Committee on Ways & Means.

AN ACT Relating to addressing the shortage of health care professionals in underserved areas; and creating new sections.

SB 5767 by Senators Rockefeller, Pridemore, Regala and Shin

Referred to Committee on Health & Long-Term Care.

AN ACT Relating to nonsubstantive changes clarifying outdoor burning provisions of the Washington clean air act; amending RCW 70.94.775, 70.94.743, 70.94.755, 70.94.760, 70.94.765, 70.94.745, 70.94.750, 70.94.650, 70.94.654, 70.94.656, 70.94.660, 70.94.670, 70.94.690, 70.94.700, and 70.94.651; adding new sections to chapter 70.94 RCW; creating new sections; and recodifying RCW 70.94.775, 70.94.743, 70.94.780, 70.94.755, 70.94.760, 70.94.765, 70.94.745, 70.94.750, 70.94.650, 70.94.654, 70.94.656, 70.94.660, 70.94.665, 70.94.670, 70.94.690, 70.94.700, and 70.94.651.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

Referred to Committee on Environment, Water & Energy.

MOTION

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

SB 5768 by Senators Murray, Jarrett, Swecker, Haugen and Kohl-Welles

AN ACT Relating to identifying the final design for the state route number 99 Alaskan Way viaduct replacement project as a deep bore tunnel; adding a new section to chapter 47.01 RCW; creating a new section; and declaring an emergency.

MOTION

Senator Fraser moved adoption of the following resolution:

Referred to Committee on Transportation.

SENATE RESOLUTION
8616

SB 5769 by Senators Kilmer, Kastama, Carrell, Regala, Franklin, Shin and Becker

AN ACT Relating to the international services business and occupation tax credit; amending RCW 82.04.44525; and providing an effective date.

By Senators Fraser, Honeyford, Swecker, Sheldon, Kauffman, Murray, Franklin, Parlette, Kohl-Welles, Schoesler, Brown, Stevens, King, Brandland, Eide, Berkey, Hewitt, Holmquist, Carrell, Roach, Prentice, Morton, Becker, Rockefeller, Pflug, Oemig, Hatfield, McDermott, Ranker, Keiser, Marr, Regala, Kastama, Pridemore, Shin, and Jarrett

WHEREAS, The City of Olympia celebrates its 150th birthday, its sesquicentennial, on January 28, 2009; and

WHEREAS, President Franklin Pierce designated Isaac I. Stevens Washington's first Territorial Governor; and

WHEREAS, Governor Stevens issued a proclamation naming Olympia as Washington's provisional territorial capital on November 28, 1853, confirmed by the Territorial Legislature in 1855; and

WHEREAS, The City of Olympia has served as Washington's capital continuously since 1853; and

WHEREAS, The first Territorial Legislature met in the Parker and Colter Store, near present day Olympia Avenue and Capitol Way, on February 28, 1854; and

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WHEREAS, The City of Olympia was first incorporated by the Territorial Legislature on January 28, 1859, thirty-six years prior to statehood; and

WHEREAS, Washington became the forty-second state on November 11, 1889; and

WHEREAS, Olympia takes pride in being the state capital, and its capitol building being one of the largest capitol buildings in the nation, having the fourth largest free-standing masonry dome in the world, surpassed only by St. Peter's Cathedral in Rome, St. Paul's Cathedral in London, and St. Isaac's Cathedral in St. Petersburg; and

WHEREAS, Olympia pioneer Edmund Sylvester donated the land for the capitol building at its current location; and

WHEREAS, Olympia is located at the south end of Puget Sound, with breathtaking views of Mt. Rainier, Puget Sound, and the Olympic Mountains; and

WHEREAS, The name "Olympia" was selected by resident Isaac N. Ebey to reflect the view of the majestic Olympic Mountains; and

WHEREAS, The peninsula on which Olympia was founded was known as "Cheetwoot" or "the black bear place" by the Puget Sound Native Americans who occupied the site; and

WHEREAS, Budd Inlet was a favorite shellfish gathering site for many tribes including the Nisqually and Squaxin; and

WHEREAS, The City of Olympia is a regional showcase and center for music, theater, and the other performing and visual arts; and

WHEREAS, Through its long history, Olympia has steadily prospered, flourished, and overcome disasters and challenges such as fires, earthquakes, and economic recessions; and

WHEREAS, The people of Olympia and surrounding areas celebrate Olympia's modern-day role as a thriving city with a high quality of life recognized in multiple national surveys, an international port, and regional center for commerce, education, and health care, and the state capital; and

WHEREAS, Citizens, elected officials, and community leaders celebrated Olympia's historic sesquicentennial with a 150th birthday gala on January 17, 2009;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commemorate the City of Olympia and its citizens on the occasion of its sesquicentennial; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Olympia Mayor Doug Mah, Mayor Pro-Tem Jeff Kingsbury, and to Olympia Councilmembers Joe Hyer, Joan Machlis, Karen Messmer, Craig Ottavelli, and Rhenda Iris Strub.

Senators Fraser, King and McAuliffe spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8616.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the City of Olympia; Mayor Doug Mah; Mayor Pro Tem Jeff Kingsbury; former Mayor Rex Derr; former Mayor Mark Fouch and wife Janet; and former Mayor Holly Gadbow who were seated in the gallery.

MOTION

At 10:19 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:32 a.m. by President Owen.

MOTION

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

SECOND READING

SENATE BILL NO. 5042, by Senators Kilmer, Holmquist, Berkey, Schoesler, Kauffman, Marr, Rockefeller, Haugen, Eide, Kastama, Hatfield, Swecker, Tom, McAuliffe, Benton, Parlette and Roach

Providing a waiver of penalties for first-time paperwork violations by small businesses.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5042 was substituted for Senate Bill No. 5042 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5042 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Holmquist and Kilmer spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Roach and Zarelli were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5042.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5042 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Tom

Absent: Senator Shin

Excused: Senators Roach and Zarelli

SUBSTITUTE SENATE BILL NO. 5042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5554, by Senators Kilmer, Hobbs, Kastama, King, Jarrett, Marr, McAuliffe, Shin and Pridemore

Regarding the job skills program.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, the rules were suspended, Senate Bill No. 5554 was advanced to third reading, the second

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reading considered the third and the bill was placed on final passage.

Senators Kilmer and Kastama spoke in favor of passage of the bill.

MOTION

On motion of Senator Kauffman, Senator Shin was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5554.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5554 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Tom

Absent: Senator Kline

Excused: Senators Roach, Shin and Zarelli

SENATE BILL NO. 5554, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Kline was excused.

SECOND READING

SENATE BILL NO. 5107, by Senator Honeyford

Addressing renewable resource projects within energy overlay zones.

The measure was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 5107 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5107.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5107 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon,

Stevens, Swecker and Tom

Excused: Senators Roach, Shin and Zarelli

SENATE BILL NO. 5107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5616, by Senators Shin, Kastama and Kilmer

Connecting business expansion and recruitment to customized training.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5616 was substituted for Senate Bill No. 5616 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5616 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5616.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5616 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Tom

Excused: Senators Roach, Shin and Zarelli

SUBSTITUTE SENATE BILL NO. 5616, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5040, by Senators Delvin, Prentice, King and Kohl-Welles

Clarifying and prescribing penalties for gambling under the age of eighteen.

MOTIONS

On motion of Senator Delvin, Substitute Senate Bill No. 5040 was substituted for Senate Bill No. 5040 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Delvin, the rules were suspended, Substitute Senate Bill No. 5040 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Delvin and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5040.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5040 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Tom

Excused: Senators Roach, Shin and Zarelli

SUBSTITUTE SENATE BILL NO. 5040, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President announces the removal of Senator Prentice on the Committee on Health & Long-Term Care and the Financial Institutions, Housing & Insurance Committee.

The President appoints Senator McDermott to the Health & Long-Term Care Committee and the Financial Institutions, Housing & Insurance Committee.

MOTION

On motion of Senator Eide, the appointments were confirmed.

MOTION

At 12:03 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, February 2, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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