

**TWENTY-SIXTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Friday, February 6, 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 Benton, Brown, Kohl-Wells, McAuliffe, Oemig, Pflug, Pridemore, Roach, Sheldon, Stevens and Swecker.

The Sergeant at Arms Color Guard consisting of Pages Paige Hollinger-Lant and Jordon Jines, presented the Colors. Pastor Dennis Hollinger-Lant of the Wayside United Church of Christ of Federal Way 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**

February 4, 2009

**SB 5001** Prime Sponsor, Senator Jacobsen: Eliminating the matching fund requirement for the American Indian endowed scholarship program. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5001 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

February 4, 2009

**SB 5013** Prime Sponsor, Senator Hargrove: Concerning fees collected by county clerks. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5013 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Hargrove; Kohl-Welles and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell and Roach.

Passed to Committee on Rules for second reading.

February 4, 2009

**SB 5039** Prime Sponsor, Senator Jarrett: Changing the membership of the Washington state forensic investigations council. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5039 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove and Tom.

Passed to Committee on Rules for second reading.

February 4, 2009

**SB 5043** Prime Sponsor, Senator Kilmer: Convening a work group to develop a single, coordinated student access portal for college information. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5043 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

February 4, 2009

**SB 5048** Prime Sponsor, Senator Kilmer: Providing for coordination of workforce and economic development. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5048 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

February 5, 2009

**SB 5097** Prime Sponsor, Senator Jacobsen: Regarding the institute of forest resources. 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.

February 4, 2009

**SB 5184** Prime Sponsor, Senator Brandland: Evaluating the need for a digital forensic crime lab. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 4, 2009

**SB 5205** Prime Sponsor, Senator Hargrove: Adding one judge to division two of the court of appeals. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 4, 2009

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SB 5232 Prime Sponsor, Senator Delvin: Protecting registered school students from sexual misconduct by school employees. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5232 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove; Kohl-Welles and Tom.

Passed to Committee on Rules for second reading.

February 4, 2009

SB 5316 Prime Sponsor, Senator Jarrett: Changing the timeline for the state comprehensive plan for workforce training and education. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

February 5, 2009

SB 5348 Prime Sponsor, Senator Swecker: Removing references to mitigation banking project eligibility for moneys in the habitat conservation account and the riparian protection account. 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.

February 5, 2009

SB 5500 Prime Sponsor, Senator Keiser: Concerning methicillin-resistant staphylococcus aureus. Reported by Committee on Health & Long-Term Care

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

Passed to Committee on Rules for second reading.

February 4, 2009

SB 5555 Prime Sponsor, Senator Kilmer: Establishing a lifelong learning account steering committee. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: That Substitute Senate Bill No. 5555 be substituted therefor, and the substitute bill do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

February 4, 2009

SB 5621 Prime Sponsor, Senator Kline: Regarding hearing examiner fees. Reported by Committee on Judiciary

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

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MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carrell and Roach.

Passed to Committee on Rules for second reading.

February 5, 2009

SB 5673 Prime Sponsor, Senator Pridemore: Concerning certificates of need. Reported by Committee on Health & Long-Term Care

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

Passed to Committee on Rules for second reading.

February 4, 2009

SB 5720 Prime Sponsor, Senator Hewitt: Including stepchildren in tuition waivers for children of veterans and national guard members. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Chair; Jarrett, Vice Chair; Becker; Hewitt; Jacobsen; Kastama; McAuliffe; Pflug; Shin and Stevens.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 5, 2009

SGA 9112 KAY SLONIM, appointed on July 1, 2007, for the term ending March 1, 2013, as Member of the Board of Tax Appeals. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Parlette; Pflug; Regala; Rockefeller and Schoesler.

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. 5001 which was referred to the Committee on Rules.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 5902 by Senators Pridemore, Fraser, McAuliffe, Kline, Kohl-Welles and McDermott

AN ACT Relating to promoting accessible communities for persons with disabilities; amending RCW 29A.46.260 and 38.52.070; reenacting and amending RCW 46.16.381 and 43.79A.040; adding a new section to chapter 50.40 RCW; adding a new section to chapter 36.01 RCW; creating new sections; and providing an effective date.

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Referred to Committee on Ways & Means.

SB 5910 by Senators Jarrett, Delvin, Sheldon, Tom and Shin

SB 5903 by Senators Keiser, McAuliffe and Hatfield

AN ACT Relating to public works contracts for residential construction; and amending RCW 39.12.030.

AN ACT Relating to the authority of a watershed management partnership to exercise powers of its forming governments; and adding a new section to chapter 39.34 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

Referred to Committee on Environment, Water & Energy.

SB 5904 by Senators Kohl-Welles, Prentice, Keiser, Franklin, Hobbs and Kline

AN ACT Relating to defining independent contractor for purposes of prevailing wage; and adding a new section to chapter 39.12 RCW.

SB 5911 by Senators Pridemore, Rockefeller and Kline

AN ACT Relating to adopting the recommendations of the citizen commission for performance measurement of tax preferences; amending RCW 82.04.330, 82.04.410, 82.16.010, 82.16.020, 82.04.4282, and 82.16.050; creating a new section; repealing RCW 82.04.350, 82.08.0261, and 82.08.0257; providing an effective date; and declaring an emergency.

Referred to Committee on Labor, Commerce & Consumer Protection.

Referred to Committee on Ways & Means.

SB 5905 by Senators Hargrove, Zarelli, Kline, Franklin, Delvin and Shin

AN ACT Relating to a review panel for day care facility licensing concerns; amending RCW 43.215.525 and 43.215.530; reenacting and amending RCW 43.215.010; and adding a new section to chapter 43.215 RCW.

SB 5912 by Senators Oemig, McDermott, Kline, Kastama, Pridemore, Kilmer, Jarrett, Kohl-Welles and Haugen

AN ACT Relating to public funding for supreme court campaigns; amending RCW 42.17.390; adding new sections to chapter 42.17 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Government Operations & Elections.

SB 5906 by Senators Pridemore and Kline

AN ACT Relating to modifying the business and occupation tax on wholesalers of solar energy systems and sales and use tax treatment of semiconductor materials; amending RCW 82.04.294, 82.08.965, 82.08.9651, and 82.12.9651; and amending 2006 c 300 s 12 (uncodified).

SB 5913 by Senators Pflug, Keiser and Shin

AN ACT Relating to online access to the University of Washington health sciences library by certain health care providers; and amending RCW 43.70.110.

Referred to Committee on Environment, Water & Energy.

Referred to Committee on Health & Long-Term Care.

SB 5907 by Senators Keiser, Swecker and Roach

AN ACT Relating to limiting mandatory overtime for corrections officers and sergeants employed by a city or county jail; and amending RCW 49.28.130 and 49.28.140.

SB 5914 by Senators Rockefeller, McAuliffe, Schoesler and Shin

AN ACT Relating to student transportation funding; amending RCW 28A.160.150, 28A.160.160, 28A.160.170, 28A.160.180, and 28A.160.190; adding new sections to chapter 28A.160 RCW; creating new sections; and providing effective dates.

Referred to Committee on Labor, Commerce & Consumer Protection.

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

SB 5908 by Senators Kohl-Welles, Roach and Keiser

AN ACT Relating to interest arbitration for employees of juvenile court services administered under 13.20.060; and amending RCW 41.56.030.

SB 5915 by Senators Prentice and Fairley

AN ACT Relating to authorizing emergency rule making when the state employment growth forecast is estimated to be less than one percent; amending RCW 34.05.350; and declaring an emergency.

Referred to Committee on Labor, Commerce & Consumer Protection.

Referred to Committee on Government Operations & Elections.

SB 5909 by Senators Murray, Kohl-Welles and Zarelli

AN ACT Relating to clarifying the application of the high technology retail sales and use tax deferral provided by chapter 82.63 RCW; amending RCW 82.63.010, 82.63.020, and 82.63.045; adding new sections to chapter 82.63 RCW; and creating new sections.

SB 5916 by Senators Kohl-Welles, Rockefeller, Kauffman, Pridemore, Keiser, Marr, Hatfield, Delvin, Honeyford, Schoesler and Hewitt

AN ACT Relating to broadband adoption and deployment; amending RCW 28B.32.010, 28B.32.020, and 28B.32.030;

Referred to Committee on Ways & Means.

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adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.29A RCW; adding new chapters to Title 43 RCW; recodifying RCW 28B.32.010, 28B.32.020, 28B.32.030, 28B.32.900, and 28B.32.901; repealing RCW 43.105.350; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5917 by Senators Kohl-Welles, Kauffman, Oemig, Rockefeller, Kastama, Marr, Hatfield, Pflug, Keiser, Ranker, Hewitt, Pridemore, Honeyford, Schoesler and Delvin

AN ACT Relating to developing a statewide map of high-speed internet availability and adoption; amending RCW 43.105.020; adding new sections to chapter 43.105 RCW; creating new sections; repealing RCW 43.105.350; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5918 by Senators Kauffman, King, McDermott, Holmquist, Hobbs and McAuliffe

AN ACT Relating to paraeducator tutors; adding a new section to chapter 28A.400 RCW; and creating a new section.

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

SB 5919 by Senators Pflug, Kastama, Delvin and Shin

AN ACT Relating to the innovation discovery fund; amending RCW 42.30.110 and 42.56.270; reenacting and amending RCW 42.17.2401 and 43.79A.040; adding a new section to chapter 82.04 RCW; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; and providing an effective date.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5920 by Senators Franklin, Berkey, Schoesler, Benton, Delvin and Shin

AN ACT Relating to the underwriting of small loans by financial institutions holding a check cashers license and small loan endorsement by including a cap of thirty percent of the borrower's gross monthly income on the combined outstanding principal balances of all small loans; amending RCW 31.45.073 and 42.56.230; and adding a new section to chapter 31.04 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5921 by Senators Rockefeller, Pridemore, Ranker, Kline and Kohl-Welles

AN ACT Relating to creating a clean energy collaborative; amending RCW 28B.20.296 and 28B.20.289; adding new sections to chapter 28B.20 RCW; and creating new sections.

Referred to Committee on Environment, Water & Energy.

SB 5922 by Senators Kohl-Welles, McDermott, Kline and Fairley

AN ACT Relating to protecting consumers from unfair practices by establishing criteria for the dissemination of credit and court record information contained in a consumer's tenant screening report; amending RCW 19.182.110 and 59.18.257; adding new sections to chapter 19.182 RCW; adding a new section to chapter 4.24 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5923 by Senators Kline and Fairley

AN ACT Relating to funding affordable housing programs through interest accrued on residential landlord/tenant security deposits; and amending RCW 59.18.270.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5924 by Senators McAuliffe, Oemig, Kilmer and McDermott

AN ACT Relating to the running start program; amending RCW 28A.600.310 and 28A.600.370; and creating a new section.

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

SB 5925 by Senators Shin, Kastama, Jacobsen, Berkey, Hobbs, Franklin, Hargrove and Kohl-Welles

AN ACT Relating to insurance requirements for higher education students participating in study or research abroad; and amending RCW 28B.10.660.

Referred to Committee on Higher Education & Workforce Development.

SJR 8212 by Senators Honeyford and Kline

Adding members to and revising procedures for investigation of complaints by the judicial conduct commission.

Referred to Committee on Judiciary.

SJR 8213 by Senators Parlette, Tom and McAuliffe

Amending the state Constitution to change school levy election timing provisions.

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

#### 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. 5916 and Senate Bill No. 5917 which were referred to the Committee on Economic Development, Trade & Innovation.

#### MOTION

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Consul-General, Jee See Heng of Singapore who was seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Nick Conti, a fourth grader at Puesta del Sol Elementary School in Bellevue, who was shadowing the Lt. Governor today, and seated at the rostrum.

MOTION

Senator Delvin moved adoption of the following resolution:

SENATE RESOLUTION  
8622

By Senators Delvin, Shin, Holmquist, Kastama, Zarelli, McCaslin, Rockefeller, Sheldon, Stevens, Swecker, Honeyford, Pflug, Morton, Parlette, Brandland, Becker, King, and Hewitt

WHEREAS, The state of Washington and the nation continue to face challenges in the fields of energy production, retention, delivery, and consumption; and

WHEREAS, Overcoming these challenges with an emphasis on ingenuity, creativity, and steadfast resolve will be key in leading our nation towards the ultimate goal of energy independence; and

WHEREAS, Many of Washington's leading research and development companies, which are using new technologies to expand the range and availability of alternative energy sources, are found in the Tri-Cities region; and

WHEREAS, These technologies include pilot projects in capturing and delivering solar, wind, nuclear, and hydropower by Energy Northwest; and

WHEREAS, These technologies also include work on portable and distributed power generation through new and advanced fuel cell breakthroughs; and

WHEREAS, These technologies also include work to create highly reliable and efficient energy delivery systems through free-piston Stirling engines and generators; and

WHEREAS, These technologies also include new innovations in the areas of Biofuels, Bioproducts, Bioenergy, and Biosciences through joint use of the Bioproducts, Sciences, and Engineering Laboratory (BSEL) by the Pacific Northwest National Laboratory, and Washington State University; and

WHEREAS, The Benton and Franklin County Public Utility Districts continue to be industry leaders in offering customers the choice of green power through renewable energy sources such as wind, solar, biomass, geothermal, and small run-of-river hydro sources; and

WHEREAS, The Washington State University Pullman Campus is working to educate and train the next generation of Nuclear Engineers and Technicians with an emphasis on safety and medical training; and

WHEREAS, The home building construction industry in the Tri-Cities is a local and state leader in creating safer, healthier, and more energy efficient homes through green construction, building, and permitting methodologies; and

WHEREAS, The Tri-Cities Research District continues to partner with research and technology companies to provide environmental solutions in all sectors of renewable and alternative energy production, delivery, and consumption;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and appreciate the many Tri-City entities for participating in Washington's inaugural "Energy Independence Day" at the state capitol, and for their work in making Washington state a national leader in alternative energy production and leading us further along the road to national energy independence; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to representatives of Energy Northwest, the Pacific Northwest National Laboratory, the Bioproducts, Sciences, and Engineering Laboratories, Washington State University, Benton and Franklin County Public Utility Districts, Washington State University Tri-Cities Campus, and the Tri-Cities Research District.

Senators Delvin and Rockefeller spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8622.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representative and leaders of the energy industry from the Tri Cities who were seated in the gallery.

MOTION

At 10:16 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, February 9, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

|      |                                     |   |                         |  |   |
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| 5043 | Committee Report. . . . .           | 1 | 5921                    | Introduction & 1st Reading. . . . .                            | 4 |
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| 5097 | Committee Report. . . . .           | 1 | 5923                    | Introduction & 1st Reading. . . . .                            | 4 |
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| 5232 | Committee Report. . . . .           | 2 | 8212                    | Introduction & 1st Reading. . . . .                            | 4 |
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| 5348 | Committee Report. . . . .           | 2 | 8622                    | Adopted. . . . .   | 5 |
| 5500 | Committee Report. . . . .           | 2 |                         | Introduced. . . . .  | 5 |
| 5555 | Committee Report. . . . .           | 2 | 9112                    | Committee Report. . . . .                                      | 2 |
| 5621 | Committee Report. . . . .           | 2 | PRESIDENT OF THE SENATE |  |   |
| 5673 | Committee Report. . . . .           | 2 |                         | Intro. of Special Guest, Members of Energy Industries. . . . . | 5 |
| 5720 | Committee Report. . . . .           | 2 |                         | Intro. Special Guest, Consul General, Jee See Heng. . . . .    | 5 |
| 5902 | Introduction & 1st Reading. . . . . | 2 |                         | Intro. Special Guest, Nick Conti. . . . .                      | 5 |
| 5903 | Introduction & 1st Reading. . . . . | 3 |                         |  |   |
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| 5910 | Introduction & 1st Reading. . . . . | 3 |                         |  |   |
| 5911 | Introduction & 1st Reading. . . . . | 3 |                         |  |   |
| 5912 | Introduction & 1st Reading. . . . . | 3 |                         |  |   |
| 5913 | Introduction & 1st Reading. . . . . | 3 |                         |  |   |
| 5914 | Introduction & 1st Reading. . . . . | 3 |                         |  |   |
| 5915 | Introduction & 1st Reading. . . . . | 3 |                         |  |   |
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