

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 20, 2010

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, Fairley, Hargrove, Hewitt, Holmquist, Pridemore, Ranker, Rockefeller, Stevens and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Conner J. Brandland and Shana Lenee Cox, presented the Colors. Pastor Steven Mulkey of Mars Hill Church of Olympia 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 19, 2010

SB 6197 Prime Sponsor, Senator Berkey: Concerning group life insurance. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6197 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

January 18, 2010

SB 6207 Prime Sponsor, Senator Haugen: Allowing local governments to create golf cart zones. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6207 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Benton; Berkey; Delvin; Eide; Hatfield; Jacobsen; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

January 18, 2010

SB 6208 Prime Sponsor, Senator Haugen: Concerning temporary agricultural directional signs on state highway rights-of-way. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6208 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Swecker; Becker; Benton; Berkey; Delvin; Eide; Hatfield; Jacobsen; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

January 18, 2010

SB 6209 Prime Sponsor, Senator Haugen: Allowing moneys paid to county road funds to be used for park and ride lots. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Swecker; Becker; Berkey; Delvin; Eide; Hatfield; Jacobsen; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

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

Passed to Committee on Rules for second reading.

January 18, 2010

SB 6213 Prime Sponsor, Senator Haugen: Concerning vehicles at railroad grade crossings. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6213 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Benton; Berkey; Delvin; Eide; Hatfield; Jacobsen; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

January 18, 2010

SB 6217 Prime Sponsor, Senator Rockefeller: Retroactively applying certain intermediate license law amendments made during the 2009 legislative session. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6217 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Benton; Berkey; Delvin; Eide; Hatfield; Jacobsen; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

January 18, 2010

SB 6271 Prime Sponsor, Senator Murray: Concerning annexations by cities and code cities located within the boundaries of a regional transit authority. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6271 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Hatfield; Jacobsen; Kauffman; Kilmer; King; Ranker and Sheldon.

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

Passed to Committee on Rules for second reading.

January 19, 2010

SB 6443 Prime Sponsor, Senator Keiser: Concerning the taxation of cigarettes and other tobacco products. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Honeyford; King and Kline.

Passed to Committee on Ways & Means.

#### 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 6639 by Senators Brown, Stevens, Gordon and Shin

AN ACT Relating to creating alternatives to total confinement for nonviolent offenders with minor children; amending RCW 9.94A.030, 9.94A.501, 9.94A.505, 9.94A.701, 9.94A.734, 9.94A.190, 9.94A.6332, and 9.94A.633; reenacting and amending RCW 9.94A.728; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Human Services & Corrections.

SB 6640 by Senators Hargrove and Stevens

AN ACT Relating to updating provisions concerning the modification, review, and adjustment of child support orders to improve access to justice and to ensure compliance with federal requirements; and amending RCW 26.09.170 and 26.09.175.

Referred to Committee on Human Services & Corrections.

SB 6641 by Senator Jacobsen

AN ACT Relating to forest practices applications leading to conversion of land for development purposes; amending RCW 76.09.050 and 43.21C.037; and reenacting and amending RCW 76.09.240.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6642 by Senators Delvin, Kline and Tom

AN ACT Relating to establishing a statewide electronic tracking system for the nonprescription sales of ephedrine, pseudoephedrine, and phenylpropanolamine; amending RCW 18.64.044, 18.64.047, 69.43.105, and 69.43.110; adding a new section to chapter 43.10 RCW; and repealing RCW 69.43.170.

Referred to Committee on Judiciary.

SB 6643 by Senators Schoesler, Sheldon, Hewitt, Brown, Honeyford, Parlette, McAuliffe and Shin

AN ACT Relating to second-class school districts and compliance reports; adding new sections to chapter 28A.330 RCW; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.155 RCW; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.165 RCW; adding a new section to chapter 28A.170 RCW; adding a new section to chapter 28A.175 RCW; adding a new section to chapter 28A.180 RCW; adding a new section to chapter 28A.185 RCW; adding a new section to chapter 28A.200 RCW; adding a new section to chapter 28A.210 RCW; adding a new section to chapter 28A.215 RCW; adding a new section to chapter 28A.220 RCW; adding a new section to chapter 28A.225 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.235 RCW; adding a new section to chapter 28A.250 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 28A.315 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.323 RCW; adding a new section to chapter 28A.325 RCW; adding a new section to chapter 28A.335 RCW; adding a new section to chapter 28A.340 RCW; adding a new section to chapter 28A.343 RCW; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.415 RCW; adding a new section to chapter 28A.500 RCW; adding a new section to chapter 28A.505 RCW; adding a new section to chapter 28A.510 RCW; adding a new section to chapter 28A.515 RCW; adding a new section to chapter 28A.520 RCW; adding a new section to chapter 28A.525 RCW; adding a new section to chapter 28A.527 RCW; adding a new section to chapter 28A.530 RCW; adding a new section to chapter 28A.535 RCW; adding a new section to chapter 28A.540 RCW; adding a new section to chapter 28A.545 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.620 RCW; adding a new section to chapter 28A.623 RCW; adding a new section to chapter 28A.625 RCW; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 28A.655 RCW; and creating a new section.

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

SB 6644 by Senator Jacobsen

AN ACT Relating to falconry; adding a new section to chapter 77.32 RCW; and adding a new section to chapter 77.15 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6645 by Senators Zarelli, Schoesler, Holmquist and Stevens

AN ACT Relating to creating and paying for business and occupation tax exemptions for new businesses; amending RCW 43.350.070; adding a new section to chapter 82.04 RCW; providing an effective date; and providing an expiration date.

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Referred to Committee on Ways & Means.

**SB 6646** by Senators Kilmer, Zarelli, Kastama, Marr, Hobbs, Tom, McAuliffe, Shin and Haugen

AN ACT Relating to business and occupation tax credits for job creation; amending RCW 82.62.010, 82.62.045, 82.62.050, and 82.32.650; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Economic Development, Trade & Innovation.

**SB 6647** by Senators Honeyford, Swecker and Morton

AN ACT Relating to protecting jobs of members of the civil air patrol while acting in an emergency service operation; and adding a new chapter to Title 49 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

**SB 6648** by Senators Kline, Keiser, Fairley, Kohl-Welles, Kauffman, Gordon and McDermott

AN ACT Relating to protecting and assisting consumers and homeowners from unfair lending practices and during foreclosure proceedings; reenacting and amending RCW 61.24.005; adding new sections to chapter 61.24 RCW; adding a new section to chapter 36.22 RCW; and creating new sections.

Referred to Committee on Labor, Commerce & Consumer Protection.

**SB 6649** by Senators King, Marr, Swecker, Haugen, Tom and Shin

AN ACT Relating to driving record abstracts; amending RCW 46.52.130; and prescribing penalties.

Referred to Committee on Transportation.

**SB 6650** by Senator Murray

AN ACT Relating to financial viability and impact review of certain transportation projects; and adding new sections to chapter 47.01 RCW.

Referred to Committee on Transportation.

**SB 6651** by Senator Murray

AN ACT Relating to an impact plan on the state route number 520 bridge replacement and HOV project; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

**SB 6652** by Senators King and Honeyford

AN ACT Relating to establishing rules for certain railroad activities; adding a new section to chapter 81.48 RCW; and prescribing penalties.

Referred to Committee on Transportation.

**SB 6653** by Senators Jacobsen and Shin

AN ACT Relating to a property tax exemption for property owned by a nonprofit organization and used for the purpose of a farmers market; amending RCW 84.36.037; and creating a new section.

Referred to Committee on Agriculture & Rural Economic Development.

**SB 6654** by Senators Sheldon and Haugen

AN ACT Relating to removing and streamlining certain transportation and motor vehicle reports; amending RCW 43.43.111, 46.32.085, 46.61.6885, 46.66.030, 47.01.071, 47.04.210, and 47.04.280; and repealing RCW 47.01.141.

Referred to Committee on Transportation.

**SB 6655** by Senators McDermott and Tom

AN ACT Relating to the running start program; and amending RCW 28A.600.310, 28A.600.370, and 28B.15.910.

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

**SB 6656** by Senators Murray, Rockefeller, Fraser and Shin

AN ACT Relating to implementing energy conservation programs; amending RCW 35.92.360, 54.16.280, 36.94.460, 35.92.430, 36.01.250, and 80.28.260; adding a new section to chapter 35.92 RCW; and creating new sections.

Referred to Committee on Environment, Water & Energy.

**SB 6657** by Senator Benton

AN ACT Relating to ethics for legislative employees; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Government Operations & Elections.

**SB 6658** by Senators Rockefeller, Morton and Pridemore

AN ACT Relating to modifying community solar project provisions for investment cost recovery incentives; and amending RCW 82.16.110 and 82.16.120.

Referred to Committee on Environment, Water & Energy.

**SB 6659** by Senators Fraser, Morton and Rockefeller

AN ACT Relating to consolidating the state's pollution liability insurance agency within the department of ecology; amending RCW 70.148.005, 70.148.010, 70.148.020, 70.148.025, 70.148.030, 70.148.035, 70.148.040, 70.148.050, 70.148.060, 70.148.070, 70.148.080, 70.148.090, 70.148.130, 70.148.140, 70.148.150,

70.148.160, 70.148.170, 70.149.010, 70.149.030, 70.149.040, 70.149.050, 70.149.060, 70.149.090, and 70.149.120; reenacting and amending RCW 43.21B.110; adding a new section to chapter 70.149 RCW; adding a new section to chapter 70.148 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Environment, Water & Energy.

SB 6660 by Senator Hobbs

AN ACT Relating to license renewals; amending RCW 18.32.180; adding a new section to chapter 18.32 RCW; adding a new section to chapter 48.43 RCW; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 6661 by Senators Murray, King, Eide, Delvin and Hobbs

AN ACT Relating to modifying local excise taxes in counties that have pledged lodging tax revenues for the payment of bonds prior to June 26, 1975; amending RCW 67.28.180, 82.14.0485, 82.14.049, 82.14.0494, 82.14.360, 36.38.010, and 36.100.220; adding a new section to chapter 67.28 RCW; and providing an effective date.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6662 by Senators Kilmer, Roach, Kastama, Keiser, Zarelli and Shin

AN ACT Relating to developing a curriculum for a career track for home care aides; and creating new sections.

Referred to Committee on Higher Education & Workforce Development.

SB 6663 by Senators Kohl-Welles, Kilmer, Keiser and Kauffman

AN ACT Relating to tanning facilities; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6664 by Senators Kohl-Welles, Carrell, McCaslin, Roach, Kline, Gordon, Hargrove and Tom

AN ACT Relating to bail for persons in custody; and adding a new section to chapter 10.19 RCW.

Referred to Committee on Judiciary.

SB 6665 by Senators Kohl-Welles, McDermott, Murray, Keiser and Fairley

AN ACT Relating to changing the initiative filing fee; amending RCW 29A.72.010; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 6666 by Senators Pflug and McCaslin

AN ACT Relating to statutory construction; adding a new section to chapter 2.08 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 6667 by Senators Kauffman and Kastama

AN ACT Relating to business assistance programs; amending RCW 28B.30.530, 28B.20.297, 43.06.335, 43.338.020, 43.131.409, and 43.131.410; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.330 RCW; adding a new section to chapter 28B.20 RCW; creating a new section; and making appropriations.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6668 by Senators Kauffman and McAuliffe

AN ACT Relating to eligibility requirements for the early childhood education and assistance program; and amending RCW 43.215.405.

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

SB 6669 by Senators Kastama, Kauffman and Shin

AN ACT Relating to the small business development center; and amending RCW 28B.30.530 and 19.02.075.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6670 by Senator Parlette

AN ACT Relating to group medical insurance for nontraditional groups; amending RCW 48.21.010, 48.21.030, 48.44.010, and 48.46.020; adding a new section to chapter 48.43 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 6671 by Senators Pflug, Marr and Keiser

AN ACT Relating to emergency departments that are not physically connected to a hospital; amending RCW 70.38.025; reenacting and amending RCW 70.38.105; adding a new section to chapter 70.38 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

#### MOTION

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

#### MOTION

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

TENTH DAY, JANUARY 20, 2010  
MOTION

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Senator Becker moved adoption of the following resolution:

SENATE RESOLUTION  
8680

By Senators Becker, Berkey, Kauffman, Kilmer, Sheldon, Hatfield, Swecker, King, Haugen, and Ranker

WHEREAS, Families across Washington depend on the safe and nutritious dairy products provided by the dairy farmers of Washington state; and

WHEREAS, The American Academy of Pediatrics recommends that children consume three servings and teens consume four servings of dairy products a day; and

WHEREAS, The Dairy Farmers of Washington are cotitle sponsors of the Washington Interscholastic Activities Association Championship Tournaments, a program that cultivates and recognizes dedicated and talented young scholars, athletes, musicians, thespians, dancers, and their coaches; and

WHEREAS, There are approximately 465 family dairy farms in Washington state with approximately 244,000 dairy cows; and

WHEREAS, Washington state ranks tenth in total milk production in the United States with 662 million gallons annually; and

WHEREAS, Washington ranks second in milk production per cow with 2,708 gallons of milk per year; and

WHEREAS, Dairy foods constitute the second highest dollar-valued agricultural commodity produced in Washington, with a direct economic impact valued at 566 million dollars and a total value to Washington's economy of more than one billion dollars; and

WHEREAS, For every one million dollars in dairy products supports 20 local jobs in farming, processing, distributing, and marketing; and

WHEREAS, On June 19, 2009, Melissa Cook from the City of Snohomish was crowned the Washington State Dairy Ambassador, and Elizabeth Birkliid from King-Pierce counties and Shelby Hansen from Skagit-Island counties were crowned Washington State Alternate Dairy Ambassadors; and

WHEREAS, Dairy Day at the legislature is January 20, 2010, when legislators will visit with Washington dairy producers and enjoy ice cream produced in Washington provided by the Washington State Dairy Federation, Washington State Dairy Women, and the state and county Dairy Ambassadors;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acknowledge and honor the women and men whose work on dairy farms throughout Washington has contributed much to the strength and vitality of our economy, the character of our communities, and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Washington State Dairy Ambassador Melissa Cook, alternate Ambassadors Elizabeth Birkliid and Shelby Hansen, and the Washington State Dairy Federation.

Senators Becker and Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8680.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Washington State Dairy Ambassadors, Judy Odermann, Washington State Ambassador Committee Chairwoman; Eileen Hartzell, Washington State Dairy Women President; Tammi Schoenbachler, Washington State Dairy Women Vice President; Washington State Dairy Women and members & staff of the Washington State Dairy Federation and Washington State Dairy Products Commission who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced alternate Dairy Ambassadors, Elizabeth Birkliid and Shelby Hanson and the Washington State Dairy Ambassador Melissa Cook who were seated at the rostrum.

With permission of the Senate, business was suspended to allow Washington State Dairy Ambassador, Melissa Cook to address the Senate.

REMARKS BY MS. MELISSA COOK

Melissa Cook: "Honorable Lieutenant Governor, members of the Senate and guests. From left to right on the political spectrum a wide range of values and goals can be seen driving a politician's work. However, I believe that all politicians can be united in promoting economic vitality and a better future for our communities and environment. That is exactly what the dairy industry does. With four hundred and fifty-four dairy farms in the state of Washington, dairy products are the second largest agriculture commodity in the state, creating an estimated economic impact of 4.25 billion dollars each year. These farms not only produce six hundred and sixty-two million gallons of wholesome milk each year but also create thousands of jobs and support countless other local businesses including veterinarians, truck drivers, feed manufacturers and processing plants. While helping the economy to flourish, the farmers are also doing the same for their environment. Most dairy farms are passed down from generation to generation ensuring that their land will remain undeveloped and a safe haven for wildlife for many years to come. Dairy farmers are constantly trying to keep water ways protected, soil fertile and air clean because the success of their business depends upon it. Further benefitting Washington's environmental health, some dairy farmers are creating renewable energy through the construction and use of methane digesters. These digesters use manure, a plentiful resource on the farm, to create electricity which powers the farms and surrounding homes. Dairy farmers are not only concerned with preserving their natural resources and farms for future generations but their communities as well. They do this in part through sponsorship of programs like the Washington Interscholastic Activities Association and the Field to Play Sixty program with the Seattle Seahawks. These programs allow young people to build meaningful relationships and develop healthy life styles and of course dairy farmers produce a product with a nutrient package that can benefit the health of all people. So whichever way your political compass points I'm confident that they all point towards greener pastures, that is farm land which not only supports the local economy but the future of our communities and environment as well. On behalf of the Dairy Farmers of Washington, I would like to thank you all for your support of the dairy industry and for having us here today."

MOTION

THOMAS HOEMANN, Secretary of the Senate

At 10:16 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, January 21, 2010.

BRAD OWEN, President of the Senate

Draft

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