

FORTIETH DAY, FEBRUARY 17, 2006

2006 REGULAR SESSION

FORTIETH DAY**MORNING SESSION**

Senate Chamber, Olympia, Friday, February 17, 2006

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 Deccio, Finkbeiner, McCaslin and Oke.

The Sergeant at Arms Color Guard consisting of Pages Cecily Hahn and Christopher Truppner, presented the Colors. Pastor John Shaffer of the Stanwood United Methodist 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

February 16, 2006

HB 1331 Prime Sponsor, Conway: Requiring electrical contractors to be licensed before advertising. Reported by Committee on Labor, Commerce, Research & Development

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

Passed to Committee on Rules for second reading.

February 16, 2006

2SHB 1384 Prime Sponsor, Committee on Technology, Energy & Communications: Authorizing the construction and operation of renewable energy projects by joint operating agencies. Reported by Committee on Water, Energy & Environment

MAJORITY recommendation: Without recommendation. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Morton, Mulliken and Regala

Passed to Committee on Government Operations & Elections.

February 16, 2006

2SHB 1430 Prime Sponsor, Committee on Commerce & Labor: Authorizing the sale by spirit, beer, and wine licensees of malt liquor in containers that are capable of holding four gallons or more and are registered in accordance with RCW 66.28.200. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

February 16, 2006

SHB 2402 Prime Sponsor, Committee on Technology, Energy & Communications: Providing for expedited processing of energy facilities and alternative energy resources. Reported by Committee on Water, Energy & Environment

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

Passed to Committee on Rules for second reading.

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HB 2406 Prime Sponsor, Roach: Changing insurance statutes, generally. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

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HB 2453 Prime Sponsor, Williams: Making the Washington essential property insurance inspection and placement program apply to all counties. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

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SHB 2497 Prime Sponsor, Committee on Financial Institutions & Insurance: Authorizing a suspension of business loan payments and interest accrual for active duty national guard members. Revised for 1st Substitute: Providing assistance for business owners who are active duty national guard members. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 16, 2006

HB 2562 Prime Sponsor, Wood: Regulating flavored malt beverage. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

Passed to Committee on Rules for second reading.

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SHB 2563 Prime Sponsor, Committee on Commerce & Labor: Concerning the processing of liquor licenses. Reported by Committee on Labor, Commerce, Research & Development

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

MINORITY recommendation: Do not pass. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

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EHB 2801 Prime Sponsor, Chase: Authorizing removal of discriminatory provisions in the governing documents of homeowners' associations. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

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HB 2897 Prime Sponsor, Condotta: Modifying the liquor licensee's caterer's endorsement to include passenger vessels. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser and Parlette

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.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 16, 2006

SB 6241 Prime Sponsor, Haugen: Making 2006 supplemental transportation appropriations. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6241 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Berkey, Eide, Esser, Finkbeiner, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

February 16, 2006

SB 6326 Prime Sponsor, Shin: Providing a source of funding for customized work force training. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6326 be substituted therefor, and the second

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substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

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SB 6368 Prime Sponsor, Haugen: Discontinuing the nursing facility bed tax. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

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SB 6379 Prime Sponsor, Poulsen: Increasing temporarily the statewide cap for the customer assistance public utility tax credit. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

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SB 6384 Prime Sponsor, Fraser: Adopting the 2006 supplemental capital budget. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6384 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

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SB 6385 Prime Sponsor, Prentice: Providing excise tax relief by modifying due dates and eliminating an assessment penalty. Revised for 1st Substitute: Providing administrative excise tax relief for taxpayers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6385 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

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SB 6386 Prime Sponsor, Prentice: Making 2006 supplemental operating appropriations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6386 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Roach, Rockefeller and Thibaudeau

MINORITY recommendations: Do not pass. Signed by Senators Schoesler and Zarelli. Without recommendation. Signed by Senators Brandland and Parlette

Passed to Committee on Rules for second reading.

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SB 6512 Prime Sponsor, Fraser: Enhancing air quality at truck stops. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6512 as recommended by Committee on Water, Energy & Environment be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

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SB 6533 Prime Sponsor, Prentice: Providing a tax credit for syrup sales. Revised for 1st Substitute: Providing a business and occupation tax credit for syrup taxes paid by a business. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6533 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

MINORITY recommendations: Do not pass. Signed by Senator Fraser, Vice Chair, Capital Budget Chair. Without recommendation. Signed by Senator Fairley

Passed to Committee on Rules for second reading.

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SB 6542 Prime Sponsor, Mulliken: Exempting farming services from business and occupation tax. Revised for 2nd Substitute: Exempting persons engaged in farming and certain farming services from business taxes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6542 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

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SB 6557 Prime Sponsor, Kohl-Welles: Modifying the taxation of motion picture and video production services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6557 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

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SB 6558 Prime Sponsor, Brown: Improving the state of Washington's economic, cultural, and educational standing in the motion picture industry. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6558 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

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SB 6604 Prime Sponsor, Prentice: Providing excise tax relief for aerospace businesses. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6604 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Pridemore, Rasmussen, Regala, Roach, Schoesler and Zarelli

MINORITY recommendation: Do not pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair and Rockefeller. Without recommendation. Signed by Senator Fairley

Passed to Committee on Rules for second reading.

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SB 6671 Prime Sponsor, Doumit: Clarifying the application of taxes to the financial activities of professional employer organizations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6671 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

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SB 6686 Prime Sponsor, Prentice: Authorizing a local

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sales and use tax that is credited against the state sales and use tax. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6686 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Schoesler

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Parlette, Roach and Zarelli

Passed to Committee on Rules for second reading.

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SB 6704 Prime Sponsor, Rasmussen: Modifying the excise taxation of the manufacturing, selling, and processing of certain food products. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Parlette, Pridemore, Rasmussen, Roach, Schoesler, Thibaudeau and Zarelli

MINORITY recommendation: Do not pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair; Fairley and Rockefeller

Passed to Committee on Rules for second reading.

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SB 6781 Prime Sponsor, Prentice: Modifying the excise taxation of environmental remediation services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6781 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

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SB 6787 Prime Sponsor, Rockefeller: Modifying funding for local government passenger ferry service. Revised for 1st Substitute: Providing funding for local government passenger ferry service. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6787 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Parlette, Pridemore, Rasmussen, Regala and Rockefeller

MINORITY recommendations: Do not pass. Signed by Senator Zarelli. Without recommendation. Signed by Senators Roach and Schoesler

Passed to Committee on Rules for second reading.

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SB 6874 Prime Sponsor, Doumit: Providing tax incentives for persons who extract, manufacture, or process timber. Revised for 1st Substitute: Providing tax incentives for the timber and timber products industries. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6874 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller and Schoesler

MINORITY recommendation: Without recommendation. Signed by Senator Fairley

Passed to Committee on Rules for second reading.

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SB 6896 Prime Sponsor, Prentice: Providing for state funding stabilization. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6896 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Parlette, Schoesler and Zarelli. Without recommendation. Signed by Senator Roach

Passed to Committee on Rules for second reading.

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SB 6898 Prime Sponsor, Fraser: Authorizing the issuance of general obligation bonds. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6898 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Brandland, Fairley, Kohl-Welles, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

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SHB 3190 Prime Sponsor, Committee on Technology, Energy & Communications: Providing tax incentives to support the semiconductor cluster in the state. Revised for 1st Substitute: Providing tax incentives to support the semiconductor cluster in Washington state. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Doumit, Vice Chair, Operating Budget; Brandland, Parlette, Pridemore, Rasmussen, Roach, Schoesler, Thibaudeau and Zarelli

MINORITY recommendations: Do not pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair and Fairley. Without recommendation. Signed by Senator Rockefeller

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Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, the rules were suspended and the measures listed on the supplemental standing committee report were placed on the second reading calendar.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 17, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CONRAD MAHNKEN, appointed November 4, 2005, for the term ending December 31, 2010, as Member of the Fish and Wildlife Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

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

MESSAGES FROM THE STATE OFFICES

February 15, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is DSHS - Expand Community Services Proviso Report. This report is mandated under Chapter 518, Laws of 2005, Section 205(1)(c).

If you have any questions about the report, please call 360-725-3406.

Sincerely,

Cheryl Strange, Secretary

The DSHS - Expand Community Services Proviso Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 10, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is DSHS - Community Protection Issues Report. This report is mandated under Chapter 518, Laws of 2005, Section 205(1)(d).

If you have any questions about the report, please call 360-725-3406.

Sincerely,

Cheryl Strange, Secretary

The DSHS - Community Protection Issues Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 13, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is OFM - Performance Audit of the State Employee Whistleblower Program Report. This report is mandated under RCW 42.40.110.

If you have any questions about the report, please call 360-664-7675.

Sincerely,

Wendy Jarrett, Secretary

The OFM - Performance Audit of the State Employee Whistleblower Program Report is on file in the Office of the Secretary of the Senate.

MOTION

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

INTRODUCTION AND FIRST READING

SCR 8418 by Senators Shin and Rasmussen

Creating an aerospace task force.

Referred to Committee on International Trade & Economic Development.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

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

MOTION

Senator Jacobsen moved adoption of the following resolution:

SENATE RESOLUTION
8718

By Senators Jacobsen and Franklin

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WHEREAS, Coretta Scott was born April 27, 1927, near Marion, Alabama to humble beginnings, walking five miles from the family farm to a one room schoolhouse and persevering in her studies, nonetheless; and

WHEREAS, As a young woman studying on a scholarship at the New England Conservatory of Music in Boston, Massachusetts, Coretta Scott met the young divinity student Martin Luther King Jr., marrying him two years later; and

WHEREAS, As her husband Dr. Martin Luther King Jr. rose to eminence as the most influential civil rights leader in America, Coretta Scott King shared in the triumphs and difficulties of the struggle for equal rights in this country in the 1950s and 1960s, withstanding long hours, political pressures, and even fire bombings of the Kings' home; and

WHEREAS, Coretta Scott King, devoted wife and mother, became a symbol of extraordinary grace, strength, and dignity after her husband's assassination in 1968; and

WHEREAS, Coretta Scott King continued her husband's vital work toward equal rights for all Americans, remaining a noble public figure and an important leader in the civil rights movement, training and inspiring many thousands of civil rights activists in the use of nonviolent methods, thus opening the doors for interracial and social change across this nation; and

WHEREAS, The scope of her influence for peace and social justice knew no boundaries as Coretta Scott King devoted the rest of her life to keeping alive the flame her husband had lit, continuing to stand up with courage and ferocity against the death penalty for juveniles and for nuclear disarmament, and leading goodwill missions to many nations around the world; and

WHEREAS, Coretta Scott King fought successfully for the induction of the national holiday on the third Monday of each January, honoring her late husband as a day for education and lobbying for civil rights, and since the introduction of this holiday in January of 1986, it has been recognized internationally in more than one hundred countries, mightily preserving the legacy of Dr. Martin Luther King Jr.;

NOW, THEREFORE, BE IT RESOLVED, That Washington State mourns the death of Coretta Scott King, an inspiration to people around the world; and this state is inspired by her exemplary diligence in times of asperity as a long-time leader of social change; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to The Martin Luther King Jr. Center for NonViolent Social Change in Atlanta, Georgia.

Senators Jacobsen and Franklin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8718.

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

MOTION

At 10:14 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 11:15 a.m. by President Owen.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of Filipino World War II Veterans who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Prentice: "Sitting in the galleries, Mr. President, is a group that we just recognized. I think this is a part of our history that we need to remember and it's not ancient history. Its history during my life time. When there was the December 7

attack on Pearl Harbor, at the same time there were attacks on many other parts of Pacific and focused particularly in the Phillipines. Without any hesitation some of these men rose and fought along side. At that time the Filipines was part of the United States, commonwealth. They fought loyally, bravely and many were on the Bataan death march and I would urge some of you younger folks to read up on that. The brutality was simply incomprehensible to us today. In 1946, the Phillipines got it's independence but these veterans were acknowledged to have been fighting along side our soldiers. However, at the end of the war they had been denied benefits that they earned at that time because they were citizens and it's been gone. It's been ignored and neglected and, as you can see, these are not young people. They are even older than I am and it's one of the things that we need to consistently fight for. I would say that we need to rise up and be there with our brothers in arms. Thank you very much."

MOTION

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

SECOND READING

SENATE BILL NO. 6241, by Senators Haugen, Benson and Jacobsen

Making 2006 supplemental transportation appropriations.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 6241 was substituted for Senate Bill No. 6241 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Jacobsen moved that the following amendment by Senator Jacobsen be adopted.

On page 51, after line 25, insert the following:

"(9) The entire multimodal transportation account--state appropriation provided under this section is contingent on the failure of Initiative Measure No. 917, as filed on January 9, 2006. This appropriation shall be held in reserve status until November 14, 2006. If Initiative Measure No. 917 passes, the entire multimodal transportation account--state appropriation provided under this section shall lapse."

Senator Jacobsen spoke in favor of adoption of the amendment.

Senators Haugen and Benson spoke against adoption of the amendment.

MOTION

On motion of Senator Mulliken, Senators Deccio, Finkbeiner, McCaslin, Oke, Carrell and Schoesler were excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Jacobsen on page 51, line 25 to Substitute Senate Bill No. 6241.

The motion by Senator Jacobsen failed and the amendment was not adopted by voice vote.

MOTION

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On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6241 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Benson 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. 6241.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6241 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, Finkbeiner, McCaslin and Oke - 4

SUBSTITUTE SENATE BILL NO. 6241, 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. 6386, by Senators Prentice, Zarelli, Fairley, Fraser, Rockefeller, Shin and Brandland

Making 2006 supplemental operating appropriations.

MOTION

On motion of Senator Prentice, Substitute Senate Bill No. 6386 was substituted for Senate Bill No. 6386 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 103, line 30, strike "\$7,655,000" and insert "\$7,686,000"

On page 104, line 12, strike "\$209,346,000" and insert "\$209,320,000"

On page 104, line 15, strike "\$208,179,000" and insert "\$208,174,000"

On page 106, line 18, after "(12)", strike everything through "appropriation are" on line 19, and insert "\$31,000 of the general fund--state appropriation for fiscal year 2007 is"

Renumber the sections consecutively and correct any internal references accordingly.

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Doumit spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 103, line 30 to Substitute Senate Bill No. 6386.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 22, line 16, decrease the general fund--state appropriation for fiscal year 2007 by \$4,600,000 and adjust the totals accordingly.

On page 31, lines 13 - 19, decrease each of the appropriations by 66 percent.

On page 109, line 35, increase the general fund--state appropriation for fiscal year 2007 by \$4,600,000 and adjust the totals accordingly.

On page 116, after line 18, insert the following:

"\$6,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to double the number of uninsured and under-insured low income women screened for breast and cervical cancer."

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Doumit spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 22, line 16 to Substitute Senate Bill No. 6386.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler be adopted.

On page 95, after line 3, insert the following:

"(25) No funds appropriated in this section shall be expended upon gender reassignment surgery or treatment."

Senator Esser demanded a roll call.

The President declared that one-sixth of the Senate support the demand. The demand is sustained.

Senators Schoesler, Pflug, Stevens and Benson spoke in favor of adoption of the amendment.

Senators Keiser and Brown spoke against adoption of the amendment.

POINT OF ORDER

Senator Esser: "I believe the word grandstanding amounts to impugning...."

Senator Brown: "I apologize. I sincerely apologize."

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 95, line 3 to Substitute Senate Bill No. 6386.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Schoesler and the amendment was adopted by the following vote: Yeas, 32; Nays, 12; Absent, 1; Excused, 4.

Voting yea: Senators Benson, Berkey, Brandland, Carrell,

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Delvin, Doumit, Eide, Esser, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Morton, Mulliken, Parlette, Pflug, Pridemore, Rasmussen, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 32

Voting nay: Senators Brown, Fairley, Fraser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Spanel, Thibaudeau and Weinstein - 12

Absent: Senator Benton - 1

Excused: Senators Deccio, Finkbeiner, McCaslin and Oke -

4

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 6386 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Doumit and Brown spoke in favor of passage of the bill.

Senators Zarelli and Pflug spoke against passage of the bill.

Senator Schoesler spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6386.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6386 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 19; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 26

Voting nay: Senators Benson, Brandland, Carrell, Delvin, Esser, Hewitt, Honeyford, Johnson, Kastama, Morton, Mulliken, Parlette, Pflug, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

Excused: Senators Deccio, Finkbeiner, McCaslin and Oke - 4

ENGROSSED SUBSTITUTE SENATE BILL NO. 6386, 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, Engrossed Substitute Senate Bill No. 6386 was immediately transmitted to the House of Representatives.

SECOND READING

SENATE BILL NO. 6896, by Senators Prentice, Doumit, Brown, Regala, Rockefeller and Kohl-Welles

Providing for state funding stabilization.

MOTION

On motion of Senator Prentice, Substitute Senate Bill No. 6896 was substituted for Senate Bill No. 6896 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 6896 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 6368, by Senators Haugen, Benson, Kline, Kohl-Welles, Keiser, Carrell and Fairley

Discontinuing the nursing facility bed tax.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6368 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Benson, Haugen and Shin spoke in favor of passage of the bill.

Senators Carrell and Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6368.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6368 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, Finkbeiner, McCaslin and Oke - 4

SENATE BILL NO. 6368, 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. 6604, by Senators Prentice, Rasmussen and McAuliffe

Providing excise tax relief for aerospace businesses.

MOTIONS

On motion of Senator Prentice, Second Substitute Senate Bill No. 6604 was substituted for Senate Bill No. 6604 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Second Substitute Senate Bill No. 6604 was advanced to third

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

Senators Prentice and Shin spoke in favor of passage of the bill.

MOTION

On motion of Senator Mulliken, Senator Parlette was excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6604.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6604 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 6; Absent, 1; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Zarelli - 37

Voting nay: Senators Fairley, Fraser, Kohl-Welles, Rockefeller, Thibaudeau and Weinstein - 6

Absent: Senator Kline - 1

Excused: Senators Deccio, Finkbeiner, McCaslin, Oke and Parlette - 5

SECOND SUBSTITUTE SENATE BILL NO. 6604, 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. 6874, by Senators Doumit, Zarelli, Hargrove, Morton, Sheldon and Rasmussen

Providing tax incentives for persons who extract, manufacture, or process timber. Revised for 1st Substitute: Providing tax incentives for the timber and timber products industries.

MOTIONS

On motion of Senator Doumit, Substitute Senate Bill No. 6874 was substituted for Senate Bill No. 6874 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Doumit, the rules were suspended, Substitute Senate Bill No. 6874 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Doumit 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. 6874.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6874 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 4; Absent, 0; Excused, 5.

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Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, Morton, Mulliken, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 40

Voting nay: Senators Fairley, Fraser, Kohl-Welles and Weinstein - 4

Excused: Senators Deccio, Finkbeiner, McCaslin, Oke and Parlette - 5

SUBSTITUTE SENATE BILL NO. 6874, 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 Senate resumed consideration of Substitute Senate Bill No. 6896 which was deferred earlier in the day.

MOTION

Senator Mulliken moved that the following amendment by Senator Mulliken be adopted.

On page 2, on line 30, strike "1.29" and insert "4.05".

On page 2, on line 35, strike "0.87" and insert "3.44".

On page 3, on line 4, strike "January 1, 2007" and insert "July 1, 2006".

On page 3, on line 4, strike "1.77" and insert "3.44".

Senator Mulliken spoke in favor of adoption of the amendment.

Senator Doumit spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mulliken on page 2, line 30 to Substitute Senate Bill No. 6896.

The motion by Senator Mulliken failed and the amendment was not adopted by voice vote.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

On page 1, line 1 of the title, strike "state funding stabilization" and insert "gaming the people's spending limit to permit a seventeen percent increase in spending and avoid making deposits into the emergency reserve fund"

Senator Zarelli spoke in favor of adoption of the amendment.

Senator Prentice spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 1, line 1 to Substitute Senate Bill No. 6896.

The motion by Senator Zarelli failed and the amendment was not adopted by voice vote.

POINT OF ORDER

Senator Zarelli: "Thank you Mr. President. Senate Rule 25 states that no bill shall embrace more than one subject and that shall be expressed in the title. This rule is taken from article two, section nineteen of the state constitution. According to long-standing case law in this state, at a minimum, the title of

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the bill must give such notice as should reasonably lead to an inquiry into the body of the act itself or indicates to an inquiry in mind the scope and purpose of the law. The title of this bill, 'An act relating to state funding, stabilization' does not give any indication that hidden within the bill is the provision to increase the spending limit under Initiative 601. Instead of funding stabilization the bills main purpose appears to be to raise the current spending limit by 1.2 billion to accommodate more spending than permitted under current law and to avoid otherwise scheduled deposits into the emergency reserve fund. As you know, the expenditures from the emergency reserve fund require a two-thirds vote of this body. Our supreme court has made a distinction between general titles and restrictive titles. A general or broad title is liberally construed and may embrace all matters which are naturally and reasonably connected with it. A restrictive title, however, carves out a selective subject and the subject of the bill must be confined to only the subject expressed in the title. I submit that this title is restrictive. It limits the subject of the bill to stabilization of funds. This clearly does not include other legislative spending issues such as increasing the state spending limit and avoiding the deposits in the emergency reserve fund. In the past, when we've considered bills to make changes to the expenditure limit, that fact has been reflected in the title. Mr. President, I have a few examples I'd like to share. In 2004, Senate Bill No. 6687, 'An act relating to the state expenditure limit,' 2003 'An act relating to the state expenditure limit,' 2003 'An act relating to strengthening the state expenditure limit and so forth. There are several of those examples. Mr. President, I believe this bill is out of order and will remain so until such time as the title is amended to reflect the content of the bill. I would ask the President to rule such.'

REMARKS BY SENATOR BROWN

Senator Brown: "The bill is, 'An act relating to state funding stabilization' and I believe, Mr. President, as you examine the bill that you will find that that is exactly what the interrelated elements of it do. One piece of the bill relates to state funding stabilization through funding a pension stabilization account. One piece of the bill relates to state funding stabilization by paying forward into the school construction account. One piece of the bill relates to state funding stabilization by paying forward into the health services account. Mr. President, I would argue that all of these pieces of the bill, in fact, fall within the title of the bill and relate to state funding stabilization.' The good gentleman also raises the concern about removing funds from the emergency reserve account. However, this bill does not do that. Instead, this bill places funds in state savings accounts for the purposes of funding stabilization. It's essential to the architecture, further more, of overall budget that we put together. The amendment that is in, that we were about to take up, related to 601, is essentially not connected to this bill. Mr. President, I believe, if you would find both the supreme court and your rulings in the past have found such interrelated elements part of a bill like this to be perfectly appropriate in a budget bill necessary to implement the budget. Thank you Mr. President."

MOTION

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On motion of Senator Eide, further consideration of Substitute Senate Bill No. 6896 and the bill held its place on the second reading calendar.

The President Pro Tempore assumed the chair.

SECOND READING

SENATE BILL NO. 6385, by Senators Prentice, Doumit, Rasmussen, Fairley, Zarelli, Rockefeller, Brandland, Fraser, Pflug and Sheldon

Providing excise tax relief by modifying due dates and eliminating an assessment penalty. Revised for 1st Substitute: Providing administrative excise tax relief for taxpayers.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6385 was substituted for Senate Bill No. 6385 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6385 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kline was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6385.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6385 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Deccio, Finkbeiner, Kline, McCaslin and Oke - 5

SUBSTITUTE SENATE BILL NO. 6385, 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. 6704, by Senators Rasmussen, Prentice, Doumit, Schoesler, Honeyford, Brandland, Sheldon, Morton and Mulliken

Modifying the excise taxation of the manufacturing, selling, and processing of certain food products.

The measure was read the second time.

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MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 6704 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6704.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6704 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 4; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Franklin, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, Morton, Mulliken, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 40

Voting nay: Senators Fairley, Fraser, Kohl-Welles and Weinstein - 4

Excused: Senators Deccio, Finkbeiner, Kline, McCaslin and Oke - 5

SENATE BILL NO. 6704, 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.

PERSONAL PRIVILEGE

Senator Prentice: "I neglected earlier to thank the Ways & Means staff. If I'm inappropriate, please don't chastise me but we owe so much. Would you folks please? I can't tell you the kind of work that they do for us and how rapidly the turn arounds are. They follow absolutely every bump of what we're doing and this committee could not function without them and see how bashful they are, because of having to drag them on? So, please, round of applause for the Ways & Means staff."

MOTION

At 1:03 p.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 1:11 p.m. by President Pro Tempore.

MOTION

At 1:12 p.m., on motion of Senator Eide, the Senate adjourned until 10:30 a.m. Monday, February 20, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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