

TWENTY-NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 9, 2009

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

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 5, 2009

SB 5009 Prime Sponsor, Senator Marr: Creating a military service exemption for benefits charged to the experience rating accounts of employers. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5009 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

February 5, 2009

SB 5110 Prime Sponsor, Senator Honeyford: Allowing spas, wedding boutiques, and art galleries to serve wine to their customers who are twenty-one years of age or older. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5110 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

February 6, 2009

SB 5161 Prime Sponsor, Senator Hobbs: Extending tax incentives for renewable resources, including tidal and wave energy. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5161 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton; Ranker and Sheldon.

Passed to Committee on Ways & Means.

February 5, 2009

SB 5273 Prime Sponsor, Senator Murray: Regarding the practice of landscape architecture. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5273 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; King and Kline.

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

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

Passed to Committee on Rules for second reading.

February 5, 2009

SB 5381 Prime Sponsor, Senator Jarrett: Authorizing the issuance of cease and desist orders and civil penalties for violations committed by unlicensed persons engaging in scrap processing or hulk hauling activities. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5381 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 5, 2009

SB 5388 Prime Sponsor, Senator Parlette: Requiring motor vehicle dealers to disclose whether a new motor vehicle has sustained damage, repaired or not, in the sale of the new motor vehicle. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5388 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

February 5, 2009

SB 5419 Prime Sponsor, Senator Haugen: Concerning voluntary donations of vehicle owners at the time of initial or renewal registration. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5419 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; King; Ranker and Sheldon.

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Passed to Committee on Rules for second reading.

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SB 5440 Prime Sponsor, Senator Sheldon: Involving tribal governments when choosing names for state ferries. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5440 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 6, 2009

SB 5503 Prime Sponsor, Senator Pridemore: Protecting lake water quality by reducing phosphorus from lawn fertilizers. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Fraser; Marr; Ranker and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin; Holmquist and Morton.

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

Passed to Committee on Ways & Means.

February 5, 2009

SB 5605 Prime Sponsor, Senator Hargrove: Concerning the time period during which sales and use tax for public facilities in rural counties may be collected. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5605 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 6, 2009

SB 5647 Prime Sponsor, Senator Hatfield: Establishing a pilot local water management program in one qualified jurisdiction. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5647 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton; Ranker and Sheldon.

Passed to Committee on Ways & Means.

SB 5677 Prime Sponsor, Senator Hatfield: Regarding compliance with the dairy nutrient management program. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5677 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 5, 2009

SB 5739 Prime Sponsor, Senator King: Revising provisions relating to renewing a concealed pistol license by members of the armed forces. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

February 6, 2009

SB 5767 Prime Sponsor, Senator Rockefeller: Making nonsubstantive changes clarifying outdoor burning provisions of the Washington clean air act. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 6, 2009

SJM 8008 Prime Sponsor, Senator Regala: Requesting full federal funding for the cleanup of the Hanford Reservation. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

#### MOTION

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

TWENTY-NINTH DAY, FEBRUARY 9, 2009  
MESSAGE FROM THE HOUSE

2009 REGULAR SESSION

February 6, 2009

MR. PRESIDENT:

The House has passed the following bills:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1906,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5926 by Senators Jacobsen and Morton

AN ACT Relating to geoduck diver licenses; amending RCW 77.65.410; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5927 by Senator Morton

AN ACT Relating to notice of special meetings; and amending RCW 42.30.080.

Referred to Committee on Government Operations & Elections.

SB 5928 by Senator Brown

AN ACT Relating to the modernization and clarification of the powers of the public deposit protection commission in regard to banks, savings banks, and savings associations as public depositories; amending RCW 39.58.010, 39.58.040, 39.58.050, 39.58.060, 39.58.100, 39.58.103, 39.58.105, 39.58.108, 39.58.130, 39.58.135, 39.58.140, and 39.58.750; adding new sections to chapter 39.58 RCW; creating a new section; repealing RCW 39.58.065; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5929 by Senators Carrell, Hargrove, Honeyford, Hobbs and Roach

AN ACT Relating to including correctional employees who have completed government-sponsored law enforcement firearms training to the lists of law enforcement personnel that are exempt from certain firearm restrictions; and amending RCW 9.41.060 and 9.41.300.

Referred to Committee on Judiciary.

SB 5930 by Senators Prentice and Tom

AN ACT Relating to public employees' health care costs; reenacting and amending RCW 41.05.065; adding a new section to chapter 41.05 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5931 by Senators Murray, Delvin and Kline

AN ACT Relating to mental health counselor privilege; and amending RCW 18.225.105 and 5.60.060.

Referred to Committee on Judiciary.

SB 5932 by Senators Fairley, Pflug, Parlette, Shin, Kohl-Welles and McAuliffe

AN ACT Relating to adult family homes; amending RCW 70.128.040; and adding a new section to chapter 70.128 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5933 by Senators McDermott, Benton, Hobbs, Shin and Kohl-Welles

AN ACT Relating to self-service storage specialty producers; amending RCW 48.14.010; adding a new chapter to Title 48 RCW; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5934 by Senators Kohl-Welles, Keiser, Kline, Kauffman, McCaslin and Shin

AN ACT Relating to conveyances used in prostitution-related offenses; and amending RCW 9A.88.140.

Referred to Committee on Judiciary.

SB 5935 by Senators McDermott and Kohl-Welles

AN ACT Relating to education programs for the prevention of child abuse in public schools; adding a new section to chapter 28A.300 RCW; creating a new section; and repealing RCW 28A.230.080, 28A.300.150, and 28A.300.160.

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

SB 5936 by Senators Brandland and Kohl-Welles

AN ACT Relating to consumer reports of employees or volunteers who will or may have unsupervised access to children, individuals with developmental disabilities, or vulnerable adults; and amending RCW 19.182.040.

Referred to Committee on Human Services & Corrections.

SB 5937 by Senator Prentice

AN ACT Relating to exemption from sales and use tax for tribal administration and programs of any landless Washington state federally recognized Indian tribe; amending RCW 82.14.050 and 82.14.060; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5938 by Senators Ranker, Swecker, Haugen, Delvin, Eide, Sheldon, Jacobsen, Shin and McAuliffe

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AN ACT Relating to clarifying the permitting, training, and licensing process for driver training schools; and amending RCW 46.82.280, 46.82.300, 46.82.310, 46.82.320, 46.82.325, 46.82.330, and 46.82.360.

Referred to Committee on Transportation.

SB 5939 by Senators Hobbs, Schoesler, Benton, Fairley, McDermott, Keiser, Sheldon and Shin

AN ACT Relating to personnel practices regarding exempt employment; amending RCW 41.06.133 and 41.06.170; and repealing RCW 41.06.022.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5940 by Senator Honeyford

AN ACT Relating to publicly owned industrial wastewater treatment facilities; and amending RCW 70.146.070, 90.48.290, and 90.50A.030.

Referred to Committee on Environment, Water & Energy.

SB 5941 by Senators Oemig, Kastama, Jarrett, McAuliffe, Marr, Hobbs and Tom

AN ACT Relating to comprehensive education data; and adding new sections to chapter 43.41 RCW.

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

SB 5942 by Senators Prentice, Zarelli, Kohl-Welles, Kline, Shin, Marr, Brandland, Keiser, Murray, Hatfield, Fraser, Honeyford, Hargrove, Hewitt and Holmquist

AN ACT Relating to the taxation of newspapers; amending RCW 82.04.280, 82.04.280, 35.102.150, and 82.08.806; amending 2006 c 300 s 12 (uncodified); adding a new section to chapter 82.04 RCW; providing an effective date; providing a contingent effective date; providing an expiration date; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

SB 5943 by Senators Hargrove, Stevens, Fairley, Regala, McAuliffe, Jarrett, Tom, Brandland, Kauffman, Kline, Delvin and Shin

AN ACT Relating to performance-based contracts for the provision of child welfare services; amending RCW 74.13.020, 74.15.010, 74.15.020, 74.15.050, 74.15.100, 26.44.020, 26.44.200, 13.34.025, 13.34.030, 13.34.065, 13.34.067, 13.34.069, 13.34.094, 13.34.096, 13.34.125, 13.34.145, 13.34.155, 13.34.174, 13.34.176, 13.34.180, 13.34.210, 13.34.215, 13.34.230, 13.34.233, 13.34.245, 13.34.320, 13.34.330, 13.34.340, 13.34.350, 13.34.370, 13.34.380, 13.34.385, 13.34.390, 13.34.400, 41.06.142, 74.13.010, 74.13.031, 74.13.0311, 74.13.032, 74.13.036, 74.13.037, 74.13.042, 74.13.045, 74.13.055, 74.13.060, 74.13.065, 74.13.075, 74.13.077, 74.13.096, 74.13.103, 74.13.106, 74.13.109, 74.13.124, 74.13.136, 74.13.165, 74.13.170, 74.13.250, 74.13.283, 74.13.285, 74.13.288, 74.13.289, 74.13.300, 74.13.310, 74.13.315, 74.13.320, 74.13.325, 74.13.333, 74.13.334, 74.13.500, 74.13.515, 74.13.525, 74.13.530, 74.13.560, 74.13.590, 74.13.600, 74.13.640, 74.13.650, and 74.13.670; reenacting and

amending RCW 74.15.030, 13.34.130, 13.34.136, 13.34.138, and 74.13.280; adding new sections to chapter 74.13 RCW; adding a new section to chapter 26.44 RCW; recodifying RCW 74.13.085, 74.13.0902, 74.13.095, 74.15.031, 74.13.100, 74.13.103, 74.13.106, 74.13.109, 74.13.112, 74.13.115, 74.13.116, 74.13.118, 74.13.121, 74.13.124, 74.13.127, 74.13.130, 74.13.133, 74.13.136, 74.13.139, 74.13.145, 74.13.150, 74.13.152, 74.13.153, 74.13.154, 74.13.155, 74.13.156, 74.13.157, 74.13.158, 74.13.159, 74.13.165, and 74.13.170; repealing RCW 13.34.803, 13.34.805, 13.34.8051, 13.34.810, 26.44.230, 74.13.200, 74.13.210, 74.13.220, 74.13.230, 74.13.340, 74.13.630, and 74.13.800; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5944 by Senators Ranker, Brandland, Hargrove, Morton, Haugen, Shin, Fraser, Pridemore, Kastama, Kilmer, Jacobsen, Rockefeller, Sheldon, Kauffman, Berkey, Kline, Hobbs and Marr

AN ACT Relating to Lake Whatcom phosphorus loading; adding a new section to chapter 90.71 RCW; and creating a new section.

Referred to Committee on Environment, Water & Energy.

SB 5945 by Senators Keiser, Franklin and Kohl-Welles

AN ACT Relating to creating the Washington health partnership plan; adding new sections to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; adding a new section to chapter 43.370 RCW; adding a new section to chapter 48.02 RCW; and adding a new chapter to Title 82 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5946 by Senators McDermott, Murray, Keiser, Fairley, Kline and Marr

AN ACT Relating to freedom of student press and speech; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5947 by Senator Pflug

AN ACT Relating to reforming the health care system in Washington state; amending RCW 48.43.035; reenacting and amending RCW 48.43.005; adding new sections to chapter 48.43 RCW; adding a new chapter to Title 41 RCW; creating new sections; and repealing RCW 48.01.260, 48.20.025, 48.20.028, 48.20.029, 48.21.045, 48.21.047, 48.43.012, 48.43.018, 48.43.038, 48.43.041, 48.44.017, 48.44.021, 48.44.022, 48.44.023, 48.44.024, 48.46.062, 48.46.063, 48.46.064, 48.46.066, 48.46.068, 70.47.002, 70.47.005, 70.47.010, 70.47.015, 70.47.020, 70.47.030, 70.47.040, 70.47.050, 70.47.060, 70.47.070, 70.47.080, 70.47.090, 70.47.100, 70.47.110, 70.47.115, 70.47.120, 70.47.130, 70.47.140, 70.47.150, 70.47.160, 70.47.170, 70.47.200, 70.47.201, 70.47.210, 70.47.900, 70.47.901, 70.47A.010, 70.47A.020, 70.47A.030, 70.47A.040, 70.47A.050, 70.47A.060, 70.47A.070, 70.47A.080, 70.47A.090, 70.47A.100, 70.47A.110, and 70.47A.900.

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Referred to Committee on Health & Long-Term Care.

SB 5948 by Senators Shin, Kastama, Jacobsen, Franklin, Berkey and Hargrove

AN ACT Relating to water conservation appliances; adding a new section to chapter 19.27 RCW; and creating a new section.

Referred to Committee on Environment, Water & Energy.

SB 5949 by Senators Marr and Kohl-Welles

AN ACT Relating to the centers of occupational health and education; adding a new section to chapter 51.04 RCW; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5950 by Senators Kline, Franklin, Keiser, Kohl-Welles and Roach

AN ACT Relating to criminal background checks; amending RCW 74.39A.009, 43.20A.710, and 43.43.837; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5951 by Senators Roach, Hatfield, Pridemore and McDermott

AN ACT Relating to protecting the voter's signature and telephone number on envelopes provided for return of voted ballots; and amending RCW 29A.40.091.

Referred to Committee on Government Operations & Elections.

SB 5952 by Senators McDermott, Murray, Fairley, Prentice, Kohl-Welles, Kline, Pridemore, Tom, Regala, Jacobsen, Marr, Oemig, Haugen, Franklin, Hobbs and McAuliffe

AN ACT Relating to modifying the definition of "sexual orientation" for malicious harassment prosecution purposes; and amending RCW 9A.36.080.

Referred to Committee on Judiciary.

SB 5953 by Senators Kilmer, Ranker, Haugen, Marr and Rockefeller

AN ACT Relating to security amounts for certain marine vessel contracts; and amending RCW 39.08.100.

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1906 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Kenney, Wood, Moeller, Green, Hudgins, Williams, Dickerson, Sells, Sullivan, Appleton, Morrell, Hasegawa, Darneille, Ormsby, Kagi, Van De Wege, Santos, Goodman, McCoy, Cody, Simpson and Nelson)

AN ACT Relating to improving economic security through unemployment compensation; amending RCW 50.20.120,

50.22.150, 50.60.020, 50.60.030, 50.60.060, 50.60.070, 50.60.090, 50.60.100, 50.29.021, and 50.29.025; adding a new section to chapter 50.20 RCW; adding new sections to chapter 50.22 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Labor, Commerce & Consumer Protection.

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. 5928 which was referred to the Committee on Financial Institutions, Housing & Insurance.

MOTION

At 12:02 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, February 10, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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