

FIFTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, March 7, 2009

The Senate was called to order at 9:30 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, Delvin, Hewitt, Jarrett, Pflug and Shin.

The Sergeant at Arms Color Guard consisting of Senate Interns Katherine Hinderlie and Sherry Harris, presented the Colors. Senator Hargrove 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

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

INTRODUCTION AND FIRST READING

SJR 8216 by Senators Haugen, Swecker, Fraser and Jacobsen

Dedicating a portion of the state property tax levy to state parks.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1025 by House Committee on Education Appropriations (originally sponsored by Representatives Armstrong, Uptegrove and Wallace)

AN ACT Relating to cost savings on course materials; and amending RCW 28B.10.590.

Referred to Committee on Higher Education & Workforce Development.

EHB 1059 by Representatives Goodman, Kelley and Rodne

AN ACT Relating to technical corrections to the Revised Code of Washington; reenacting and amending RCW 13.40.210, 70.105D.070, and 79A.55.020; and reenacting RCW 46.09.170, 49.60.040, and 66.20.310.

Referred to Committee on Judiciary.

SHB 1067 by House Committee on Judiciary (originally sponsored by Representatives Pedersen and Rodne)

AN ACT Relating to the uniform limited partnership act; amending RCW 23B.11.080, 23B.11.090, 23B.11.110, 23B.13.020, 25.05.355, 25.05.375, 25.05.385, 25.05.390, 25.05.425, 25.15.010, 25.15.325, 25.15.400, 25.15.405, 25.15.410, 25.15.415, and 25.15.430; adding new sections to chapter 25.10 RCW; repealing RCW 25.10.005,

25.10.010, 25.10.020, 25.10.030, 25.10.040, 25.10.050, 25.10.060, 25.10.070, 25.10.080, 25.10.090, 25.10.100, 25.10.110, 25.10.120, 25.10.130, 25.10.140, 25.10.150, 25.10.160, 25.10.170, 25.10.180, 25.10.190, 25.10.200, 25.10.210, 25.10.220, 25.10.230, 25.10.240, 25.10.250, 25.10.260, 25.10.270, 25.10.280, 25.10.290, 25.10.300, 25.10.310, 25.10.320, 25.10.330, 25.10.340, 25.10.350, 25.10.360, 25.10.370, 25.10.390, 25.10.400, 25.10.410, 25.10.420, 25.10.430, 25.10.440, 25.10.450, 25.10.453, 25.10.455, 25.10.457, 25.10.460, 25.10.470, 25.10.480, 25.10.490, 25.10.500, 25.10.510, 25.10.520, 25.10.530, 25.10.540, 25.10.550, 25.10.553, 25.10.555, 25.10.560, 25.10.570, 25.10.580, 25.10.590, 25.10.600, 25.10.610, 25.10.620, 25.10.630, 25.10.640, 25.10.650, 25.10.660, 25.10.670, 25.10.680, 25.10.690, 25.10.800, 25.10.810, 25.10.820, 25.10.830, 25.10.840, 25.10.900, 25.10.905, 25.10.910, 25.10.915, 25.10.920, 25.10.925, 25.10.930, 25.10.935, 25.10.940, 25.10.945, 25.10.950, and 25.10.955; and providing effective dates.

Referred to Committee on Judiciary.

HB 1075 by Representatives Rolfes, Seaquist, Appleton, Green, McCoy, Conway, Darneille, Williams, Campbell, McCune, Simpson and Morrell

AN ACT Relating to the interstate compact on educational opportunity for military children; amending RCW 28A.225.330, 28A.225.160, 28A.185.030, 28A.180.040, 28A.225.210, and 28A.225.225; adding a new section to chapter 28A.225 RCW; and adding a new chapter to Title 28A RCW.

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

SHB 1085 by House Committee on Health Care & Wellness (originally sponsored by Representatives Appleton, Green and Dickerson)

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

Referred to Committee on Health & Long-Term Care.

HB 1088 by Representative Hunter

AN ACT Relating to prospectively clarifying the measure of the taxes imposed on public utility districts as provided in chapter 54.28 RCW; amending RCW 54.28.011; and creating a new section.

Referred to Committee on Ways & Means.

2SHB 1095 by House Committee on General Government Appropriations (originally sponsored by Representatives Hasegawa, Green, Nelson, Kelley, Kenney, Chase, Conway and Hudgins)

AN ACT Relating to increasing small business access to state contracting opportunities; amending RCW 39.29.006, 39.29.011, 39.29.018, 39.29.065, 43.19.1905, 43.19.1908,

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43.78.110, 43.105.041, and 43.105.020; and creating new sections.

Referred to Committee on Government Operations & Elections.

SHB 1135 by House Committee on Ecology & Parks (originally sponsored by Representatives McCoy, Chase, Kenney, Hinkle and Nelson)

AN ACT Relating to exempting agricultural anaerobic digesters from solid waste handling permitting; amending RCW 43.21B.300, 43.21B.310, 70.95.170, and 70.95.315; adding a new section to chapter 70.95 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Rural Economic Development.

SHB 1140 by House Committee on Judiciary (originally sponsored by Representatives Liias, Morrell, Ericks, Miloscia, Ormsby, Rolfes, Simpson and Nelson)

AN ACT Relating to the manufactured/mobile home dispute resolution program; amending RCW 59.30.040; and adding new sections to chapter 59.30 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

2SHB 1180 by House Committee on General Government Appropriations (originally sponsored by Representatives Dickerson, Hudgins, Campbell, Dunshee, Pedersen, Hunt, Rolfes, Appleton, Moeller, Kagi, Van De Wege, Hunter, Cody, Chase, Green, Morrell, Pettigrew, White, Williams, Simpson and Kenney)

AN ACT Relating to the use of bisphenol A; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SHB 1202 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Hurst, Bailey, Kelley, Roach, Kirby and Parker)

AN ACT Relating to noninsurance benefits included in life insurance policies; adding a new section to chapter 48.23 RCW; and adding a new section to chapter 48.24 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1205 by House Committee on Ways & Means (originally sponsored by Representatives Van De Wege, Rolfes, Haigh and Williams)

AN ACT Relating to changing the number of court of appeals judges; and amending RCW 2.06.020; and adding a new section to chapter 2.06 RCW.

Referred to Committee on Judiciary.

E2SHB 1208 by House Committee on Finance (originally sponsored by Representatives Takko and Alexander)

AN ACT Relating to property tax administration; and amending RCW 84.40.042, 84.56.070, 86.09.490,

84.60.050, 87.03.265, 87.03.270, 85.08.480, 82.45.090, and 84.69.030.

Referred to Committee on Government Operations & Elections.

HB 1212 by Representatives Kirby, Green, Williams, Roberts, Ormsby, Appleton and Wood

AN ACT Relating to industrial insurance death benefits for the surviving spouses of members of the law enforcement officers' and firefighters' retirement system and the state patrol retirement system; amending RCW 51.32.050; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

ESHB 1234 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Morrell, O'Brien, Appleton, Kelley, Ericks, Liias, Pedersen, Williams, Kenney and Moeller)

AN ACT Relating to creating the new crime of abandonment of a dependent person in the fourth degree; adding a new section to chapter 9A.42 RCW; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

EHB 1251 by Representatives Shea, Goodman, Ross, O'Brien, Rodne, Simpson and Kelley

AN ACT Relating to the release of certified abstracts of full driving records; and amending RCW 46.52.130 and 46.01.260.

Referred to Committee on Judiciary.

2SHB 1252 by House Committee on Capital Budget (originally sponsored by Representatives Kenney, Smith, Bailey, Seaquist, Haler, Kristiansen, Kelley and Herrera)

AN ACT Relating to wage criteria used by the community economic revitalization board to determine project selection; and amending RCW 43.160.060.

Referred to Committee on Economic Development, Trade & Innovation.

SHB 1283 by House Committee on Environmental Health (originally sponsored by Representatives Rolfes, Campbell, Kretz, Upthegrove and Ormsby)

AN ACT Relating to public water supply system operators; amending RCW 70.119.020, 70.119.030, 70.119.110, 70.119.130, and 70.119.160; and adding new sections to chapter 70.119 RCW.

Referred to Committee on Environment, Water & Energy.

SHB 1292 by House Committee on Education (originally sponsored by Representatives Newhouse, Chandler and Simpson)

AN ACT Relating to waivers from the one hundred eighty-day school year; amending RCW 28A.655.180; adding a new section to chapter 28A.305 RCW; creating a new

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section; repealing RCW 28A.305.145; and providing an expiration date.

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

HB 1302 by Representatives McCune and Campbell

AN ACT Relating to excluding a portion of state route number 7 from the scenic system; and amending RCW 47.42.025.

Referred to Committee on Transportation.

SHB 1303 by House Committee on Health Care & Wellness (originally sponsored by Representatives Moeller, Green and Roberts)

AN ACT Relating to child mortality review; and amending RCW 70.05.170.

Referred to Committee on Health & Long-Term Care.

HB 1310 by Representatives Kirby, Bailey, Ormsby, Morrell, Simpson, Nelson and Kelley

AN ACT Relating to placing restrictions on check cashers' and sellers' communications when collecting delinquent small loans; and amending RCW 31.45.082.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 1312 by Representatives Sells, Schmick, Wallace, Anderson, Driscoll, McCoy, Chase, Kenney, Carlyle, White and Roberts

AN ACT Relating to the authority to offer engineering programs at regional comprehensive universities; and amending RCW 28B.10.115 and 28B.20.060.

Referred to Committee on Higher Education & Workforce Development.

SHB 1323 by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Kenney, Liias, Haler, Sullivan, Sells, Hasegawa, Maxwell, Chase, Ormsby, Conway, Goodman, Morrell, Driscoll, Simpson and Orwall)

AN ACT Relating to coordinating workforce and economic development; amending RCW 43.330.090, 50.38.050, 28B.50.030, 28C.18.010, 28C.18.060, 28C.18.080, 43.162.020, and 43.330.080; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28C.18 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SHB 1328 by House Committee on Higher Education (originally sponsored by Representatives Carlyle, Morrell, Maxwell, Eddy, Anderson, Green, Van De Wege, Sells, White, Hasegawa, Wallace, Dunshee, Priest, McCoy, Dickerson, Williams, Ormsby, Finn, Liias, Kelley, Probst, Kenney, Hunt, Kessler, Pettigrew, Haigh, Goodman, Ericks, Blake, Jacks, Angel, Driscoll, Schmick, Hudgins, Hunter, Moeller, Chase, Springer, Conway, Sullivan, Rolfes, Simpson, Campbell, Santos and Roberts)

AN ACT Relating to allowing public technical colleges to offer associate degrees; amending RCW 28B.50.020, 28B.50.030, 28B.50.090, and 28B.50.140; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

2SHB 1355 by House Committee on Ways & Means (originally sponsored by Representatives Probst, Quall, Kessler, Sullivan, Wallace, Maxwell, Rolfes, Springer, Green, Jacks, Carlyle, Kenney, Ormsby, Seaquist, Liias, Sells, Priest, Dammeier, Hunt, Hudgins, Morrell, Van De Wege, Moeller, Chase, Conway, Goodman, Driscoll, Simpson, Santos and Kelley)

AN ACT Relating to establishing the opportunity internship program for high school students; amending RCW 28B.92.030, 28B.92.080, and 28B.92.110; adding new sections to chapter 28C.18 RCW; adding a new section to chapter 28B.92 RCW; and creating new sections.

Referred to Committee on Higher Education & Workforce Development.

ESHB 1409 by House Committee on Ecology & Parks (originally sponsored by Representatives Van De Wege, Kessler, Upthegrove, Rolfes, Blake, Dunshee, Campbell, Jacks, Orwall, Seaquist, Appleton, Nelson, Roberts, Morris, Takko, Cody, Carlyle, McCoy, Goodman, Quall, Sullivan, Liias, Chase, Pedersen, Williams, Kagi, Kenney, Simpson, Conway and Moeller)

AN ACT Relating to providing an emergency response system for the Strait of Juan de Fuca; amending RCW 88.46.130, 88.46.010, and 90.56.500; adding new sections to chapter 88.46 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Environment, Water & Energy.

SHB 1414 by House Committee on Health Care & Wellness (originally sponsored by Representatives Driscoll, Moeller, Hinkle, Cody, Sullivan, Nelson and Ormsby)

AN ACT Relating to the practice of health care assistants; amending RCW 18.135.010, 18.135.020, and 18.135.065; adding a new section to chapter 18.135 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

ESHB 1441 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Condotta, Armstrong, White and Eddy)

AN ACT Relating to the contractual relationships between distributors and producers of malt beverages; and amending RCW 19.126.020, 19.126.030, 19.126.040, 19.126.060, and 19.126.080.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 1457 by House Committee on Local Government & Housing (originally sponsored by Representatives Nelson and Simpson)

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AN ACT Relating to limiting the authority of boundary review boards to expand an annexation to twice the area of the proposed annexation; and amending RCW 36.93.150.

Referred to Committee on Government Operations & Elections.

HB 1468 by Representatives Sullivan, Rodne and Goodman

AN ACT Relating to the appointment of trustees for rural county library districts located in counties with a population of one million five hundred thousand or more; amending RCW 27.12.190; and creating a new section.

Referred to Committee on Government Operations & Elections.

HB 1474 by Representatives Orcutt, Wallace, Herrera and Moeller

AN ACT Relating to the border county higher education opportunity project; and amending RCW 28B.76.685 and 28B.15.0139.

Referred to Committee on Higher Education & Workforce Development.

2SHB 1484 by House Committee on Capital Budget (originally sponsored by Representatives Van De Wege, Orcutt, Hurst, McCoy and Blake)

AN ACT Relating to habitat open space; and amending RCW 76.09.040, 84.33.140, 84.34.108, and 76.09.020.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 1498 by Representatives Hunter, Blake, Kretz, Pedersen, Goodman, Williams, Carlyle, Roberts, McCune, Ericks, White, Hasegawa, Kagi, Nelson and Warnick

AN ACT Relating to provisions governing firearms possession by persons who have been involuntarily committed; and amending RCW 9.41.040, 9.41.047, 71.05.230, 71.05.240, 71.05.300, 71.34.730, and 71.34.740.

Referred to Committee on Human Services & Corrections.

EHB 1499 by Representatives Eddy, Hudgins, Springer, Anderson, Herrera, Haler, Hasegawa, McCune and Crouse

AN ACT Relating to notice of relocation of utility facilities; and adding a new section to chapter 80.04 RCW.

Referred to Committee on Environment, Water & Energy.

2SHB 1522 by House Committee on General Government Appropriations (originally sponsored by Representatives Hudgins, Dunshee, Hunt, Hasegawa, Williams and Chase)

AN ACT Relating to repair and reuse of electronic products by registered collectors; and adding a new section to chapter 70.95N RCW.

Referred to Committee on Environment, Water & Energy.

SHB 1529 by House Committee on Health Care &

Wellness (originally sponsored by Representatives Seaquist, Hinkle, Morrell, Bailey, Moeller, Clibborn, Green and Cody)

AN ACT Relating to the delivery of home health care services through telemedicine; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health & Long-Term Care.

ESHB 1553 by House Committee on Judiciary (originally sponsored by Representatives Takko, Goodman, Williams, Hurst, Pedersen and Campbell)

AN ACT Relating to claims for damages against the state and local governmental entities; and amending RCW 4.96.020, 4.92.100, and 4.92.110.

Referred to Committee on Government Operations & Elections.

SHB 1554 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Chase, Dickerson, Green, Goodman, Rolfes, Morrell, Cody, Simpson, Campbell, Ormsby, Van De Wege, Appleton, Flannigan, Seaquist, Miloscia, Hunt, Blake, Williams, Hudgins, Kenney, Priest, Sullivan, Eddy, White, Hasegawa and Wood)

AN ACT Relating to authorizing the department of labor and industries to issue stop work orders for violations of certain workers' compensation provisions; and adding a new section to chapter 51.48 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 1555 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Chase, Green, Dickerson, Rolfes, Goodman, Campbell, Morrell, Cody, Simpson, Ormsby, Van De Wege, Seaquist, Appleton, Miloscia, Hunt, Blake, Williams, Hudgins, Kenney, Sullivan, Priest, Eddy and Wood)

AN ACT Relating to the recommendations of the joint legislative task force on the underground economy in the construction industry; amending RCW 60.28.021, 60.28.040, 60.28.051, 60.28.060, and 50.12.070; reenacting and amending RCW 60.28.011; adding new sections to chapter 18.27 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 19.02 RCW; adding a new section to chapter 51.04 RCW; adding a new chapter to Title 43 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce & Consumer Protection.

2SHB 1580 by House Committee on General Government Appropriations (originally sponsored by Representatives Kessler, Walsh, Santos, Morris, Blake, Takko, Chandler, McCoy, Newhouse, Kretz, Linville, Jacks, Ormsby, Van De Wege, Hurst, Warnick, Nelson, Hinkle, Springer and Kenney)

AN ACT Relating to establishing a pilot local water management program in one qualified jurisdiction; amending RCW 90.03.380, 90.44.100, 43.21B.110, and 90.82.060; reenacting and amending RCW 90.14.140; adding a new chapter to Title 90 RCW; and providing an expiration date.

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Referred to Committee on Environment, Water & Energy.

HB 1640 by Representatives Kessler, Armstrong, Hunt, Sells, Alexander, Appleton and Kenney

AN ACT Relating to private financial and commercial investment information received by the University of Washington for purposes of the consolidated endowment fund; amending RCW 42.56.270; adding a new section to chapter 28B.20 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SHB 1647 by House Committee on Health Care & Wellness (originally sponsored by Representatives Driscoll, Morrell, Green, Clibborn, Moeller, Williams, Wood, Simpson, Kenney and Ormsby)

AN ACT Relating to establishing streamlined and uniform administrative procedures for payors and providers of health care services; amending RCW 70.47.130; adding a new section to chapter 70.14 RCW; adding a new section to chapter 18.122 RCW; adding a new chapter to Title 48 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

ESHB 1664 by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Conway, Hinkle and Ormsby)

AN ACT Relating to termination, cancellation, or nonrenewal of motorsports manufacturer and dealer franchise agreements; and amending RCW 46.93.080.

Referred to Committee on Labor, Commerce & Consumer Protection.

EHB 1679 by Representatives Simpson, Van De Wege, Ericks, Williams, White, Kelley, Sells, Ross, Hope and Conway

AN ACT Relating to access to catastrophic disability medical insurance under plan 2 of the law enforcement officers' and firefighters' retirement system; amending RCW 41.05.080 and 41.05.195; adding a new section to chapter 41.26 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1690 by Representatives Hasegawa, Hunt, Hudgins, Anderson and Kenney

AN ACT Relating to authorizing alternative public works contracting procedures; amending RCW 28B.20.140, 39.10.200, 39.10.230, 39.10.210, and 43.131.408; and creating a new section.

Referred to Committee on Government Operations & Elections.

SHB 1692 by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Driscoll, Wood, Crouse and Ormsby)

AN ACT Relating to authority of the board of directors of a

public facilities district; and amending RCW 36.100.160 and 35.57.060.

Referred to Committee on Government Operations & Elections.

SHB 1749 by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Bailey and Kirby)

AN ACT Relating to regulating the business practices of mortgage brokers for compliance with the secure and fair enforcement for mortgage licensing act of 2008; amending RCW 19.146.010, 19.146.020, 19.146.0201, 19.146.205, 19.146.228, 19.146.235, 19.146.300, and 19.146.310; adding new sections to chapter 19.146 RCW; adding a new section to chapter 31.04 RCW; creating new sections; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

ESHB 1752 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Hurst and Hunt)

AN ACT Relating to the observation of election procedures; amending RCW 29A.60.120, 29A.60.125, and 29A.64.041; and adding a new section to chapter 29A.60 RCW.

Referred to Committee on Government Operations & Elections.

SHB 1758 by House Committee on Education (originally sponsored by Representatives Quall, Hope, Wallace, Sullivan, Goodman, Kagi, Santos, Morrell, Hasegawa and Ormsby)

AN ACT Relating to expanding options for students to earn high school diplomas; amending RCW 28B.50.535, 28A.225.290, 28A.600.320, and 28A.655.061; and creating a new section.

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

2SHB 1762 by House Committee on Education Appropriations (originally sponsored by Representatives Santos, Kenney and Morrell)

AN ACT Relating to increasing parental and community involvement in public education; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 43.06B RCW; and creating new sections.

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

SHB 1765 by House Committee on Health Care & Wellness (originally sponsored by Representatives Moeller, Campbell and Morrell)

AN ACT Relating to the license surcharge for the impaired physician program; and amending RCW 18.71.310 and 18.71A.020.

Referred to Committee on Health & Long-Term Care.

ESHB 1792 by House Committee on Human Services (originally sponsored by Representatives Dickerson, O'Brien,

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Hurst, Morrell, Orwall, Green, Dammeier, Klippert, Walsh, Kelley and Ormsby)

AN ACT Relating to establishing search and arrest authority provisions of offenders by department of corrections personnel; and amending RCW 9.94A.631.

Referred to Committee on Human Services & Corrections.

SHB 1802 by House Committee on Transportation (originally sponsored by Representatives Hudgins, Simpson, Sullivan and Moeller)

AN ACT Relating to collector vehicles; amending RCW 46.16.015; adding new sections to chapter 46.16 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1818 by Representatives Dickerson, Orcutt, Hunter and Carlyle

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

Referred to Committee on Ways & Means.

SHB 1864 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Newhouse, Hunt and Armstrong)

AN ACT Relating to supplemental income requirements for air pollution control authorities; and amending RCW 70.94.093.

Referred to Committee on Government Operations & Elections.

HB 1997 by Representatives Finn, Rolfes, Smith, Dunshee, Upthegrove, Kretz, Chase, Dickerson, Liias, Kagi, Nelson, Kessler, Hunt and Blake

AN ACT Relating to Puget Sound scientific research; and amending RCW 90.71.110 and 90.71.280.

Referred to Committee on Environment, Water & Energy.

ESHB 2116 by House Committee on Capital Budget (originally sponsored by Representatives Maxwell, Dunshee, Upthegrove, Jacks, Liias and Simpson)

AN ACT Relating to funding for water pollution control; amending RCW 90.50A.020, 90.50A.030, 90.50A.040, 90.50A.060, and 90.48.110; adding a new section to chapter 90.50A RCW; and declaring an emergency.

Referred to Committee on Environment, Water & Energy.

HB 2117 by Representatives Cody, Morrell, Kenney and Conway

AN ACT Relating to the basic health plan; amending RCW 70.47.020, 70.47.030, 70.47.060, and 70.47.100; and creating a new section.

Referred to Committee on Ways & Means.

HB 2146 by Representatives Ericks, Johnson, Eddy and Liias

AN ACT Relating to contract requirements for water or sewer facilities; and amending RCW 35.91.020.

Referred to Committee on Government Operations & Elections.

SHB 2208 by House Committee on Commerce & Labor (originally sponsored by Representatives Hope, Kristiansen, Newhouse and McCune)

AN ACT Relating to the return or cancellation of new motorsports vehicles; amending RCW 46.93.170; 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.

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9013, J. A. Bricker, as a member of the State Board for Community and Technical Colleges, be confirmed. Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Brown, Jarrett and Shin were excused.

MOTION

On motion of Senator Brandland, Senators Benton, Delvin, Hewitt and Pflug were excused.

APPOINTMENT OF J. A. BRICKER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9013, J. A. Bricker as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9013, J. A. Bricker as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

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

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Excused: Senators Benton, Brown, Delvin, Hewitt, Jarrett, Pflug and Shin

Gubernatorial Appointment No. 9013, J. A. Bricker, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

SECOND READING

SENATE BILL NO. 5147, by Senators Kline and Rockefeller

Repealing criminal libel statutes.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5147 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5147.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5147 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Senators Brown, Delvin, Hewitt, Jarrett and Shin

SENATE BILL NO. 5147, 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. 5152, by Senators Kline, Rockefeller, McDermott and Kohl-Welles

Creating a legislative task force on statutory construction.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5152 was substituted for Senate Bill No. 5152 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5152 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline 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. 5152.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5152 and the bill passed the Senate

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by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Senators Brown, Delvin, Hewitt, Jarrett and Shin
SUBSTITUTE SENATE BILL NO. 5152, 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. 5271, by Senators Oemig, McDermott and Swecker

Modifying provisions relating to candidate filing.

MOTIONS

On motion of Senator Oemig, Substitute Senate Bill No. 5271 was substituted for Senate Bill No. 5271 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Oemig, the rules were suspended, Substitute Senate Bill No. 5271 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oemig and Roach 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. 5271.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5271 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Senators Brown, Delvin, Hewitt, Jarrett and Shin
SUBSTITUTE SENATE BILL NO. 5271, 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. 5359, by Senators Oemig, Pridemore, Kline and McDermott

Preventing rejection of ballots that have voter identifying marks.

The measure was read the second time.

MOTION

On motion of Senator Oemig, the rules were suspended, Senate Bill No. 5359 was advanced to third reading, the second

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

Senators Oemig and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5359.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5359 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Senators Brown, Delvin, Hewitt, Jarrett and Shin

SENATE BILL NO. 5359, 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. 5120, by Senators Fairley, McDermott and Holmquist

Regarding agricultural structures.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5120 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley, Schoesler and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5120.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5120 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Senators Brown, Delvin, Hewitt, Jarrett and Shin

SENATE BILL NO. 5120, 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. 5402, by Senators Tom, Carrell, Shin, Delvin, Kline, Fraser, Roach, Kohl-Welles and Marr

Regarding the prevention of animal cruelty.

MOTIONS

On motion of Senator Tom, Substitute Senate Bill No. 5402 was substituted for Senate Bill No. 5402 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Tom, the rules were suspended, Substitute Senate Bill No. 5402 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom and Carrell 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. 5402.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5402 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

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

Voting nay: Senator Hargrove

Excused: Senators Brown, Delvin, Hewitt, Jarrett and Shin

SUBSTITUTE SENATE BILL NO. 5402, 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. 5507, by Senators Marr and Brown

Protecting sole source aquifers by providing sewer utility service to mobile home parks.

The measure was read the second time.

MOTION

On motion of Senator Marr, the rules were suspended, Senate Bill No. 5507 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

Senators Roach, Brandland and McCaslin spoke against passage of the bill.

POINT OF INQUIRY

Senator Pflug: "Thank you. Senator you have said that there are funds available. Could you expand on where those funds are and what needs to happen in order for them to be provided and will they cover all of the costs of upgrading?"

Senator Marr: "My understanding is that there have been approximately five million dollars in funding made available in grant form in Spokane County to mitigate septic tank elimination over the last five years."

Senator Pflug: "So there county funds?"

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Senator Marr: "I believe there are state funds that are made available to the county."

Senator Pflug spoke against passage of the bill.

POINT OF INQUIRY

Senator Franklin: "Would Senator Marr yield to a question? Thank you, because mobile home parks are certainly an issue but, not an issue, but affordable housing within the district that I represent also. But, my question to you is, is the bill tightly written that it just affects Spokane County?"

Senator Marr: "Thank you Senator Franklin. As with Bill 6686 which was the previous legislation that came before you, the provisions, if I may read Mr. President? If I could have the attention of the body and refer everyone to Senate Bill No. 5507. I think perhaps some members have been confused and they're referencing a different bill. My apologies. Basically the bill reads, 'any county lying east of the crest of the Cascade Mountains with a population greater than four hundred thousand and any city within such county.' So, in answering your question Senator Franklin, I believe it's very specific in terms of narrow applicability."

Senator Haugen spoke in favor of passage of the bill.
Senator Benton spoke against passage of the bill.

POINT OF INQUIRY

Senator Marr: "Would Senator Benton yield to a question?"

Senator Benton: "No."

The President declared the question before the Senate to be the final passage of Senate Bill No. 5507.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5507 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 16; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Delvin, Hewitt, Jarrett and Shin

SENATE BILL NO. 5507, 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 Marr, Senator Fairley was excused.

SECOND READING

SENATE BILL NO. 5839, by Senators Schoesler, Hatfield and Shin

Regarding the administration of irrigation districts.

MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 5839 was substituted for Senate Bill No. 5839 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 5839 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler 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. 5839.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5839 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Senators Delvin, Fairley, Hewitt, Jarrett and Shin
SUBSTITUTE SENATE BILL NO. 5839, 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. 5940, by Senator Honeyford

Concerning publicly owned industrial wastewater treatment facilities.

The measure was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 5940 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5940.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5940 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Senators Delvin, Fairley, Hewitt, Jarrett and Shin
SENATE BILL NO. 5940, 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

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SENATE BILL NO. 5944, by Senators Ranker, Brandland, Hargrove, Morton, Haugen, Shin, Fraser, Pridemore, Kastama, Kilmer, Jacobsen, Rockefeller, Sheldon, Kauffman, Berkey, Kline, Hobbs and Marr

Implementing a demonstration project to reduce phosphorus loading in Lake Whatcom.

The measure was read the second time.

MOTION

On motion of Senator Ranker, the rules were suspended, Senate Bill No. 5944 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5944.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5944 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

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

Absent: Senator Kohl-Welles

Excused: Senators Delvin, Hewitt, Jarrett and Shin

SENATE BILL NO. 5944, 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. 5440, by Senators Sheldon, Kauffman, Kline, Roach and McDermott

Involving tribal governments when choosing names for state ferries. Revised for 1st Substitute: Concerning the naming or renaming of state ferries.

MOTION

On motion of Senator Sheldon, Substitute Senate Bill No. 5440 was substituted for Senate Bill No. 5440 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Fraser moved that the following amendment by Senators Fraser and Kauffman be adopted.

On page 2, beginning on line 15, strike all material through line 17

Senators Fraser, Kauffman, Rockefeller, Franklin and Carrell spoke in favor of adoption of the amendment.

Senators Sheldon, Haugen, Swecker and Kilmer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser and Kauffman on page 2, line 15 to Substitute Senate Bill No. 5440.

The motion by Senator Fraser failed and the amendment was not adopted by a rising vote.

MOTION

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 5440 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon 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. 5440.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5440 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 12; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Eide, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Benton, Carrell, Fairley, Franklin, Fraser, Kastama, Kauffman, Keiser, Kohl-Welles, Regala, Roach and Rockefeller

Excused: Senators Delvin, Hewitt, Jarrett and Shin

SUBSTITUTE SENATE BILL NO. 5440, 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

At 11:11 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 12:54 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5751, by Senators Murray, Pflug and Keiser

Regarding the issuance of licenses to practice dentistry.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 5751 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5751.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5751 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 5; Excused, 4.

Voting yea: Senators Becker, Benton, Berkey, Brandland,

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Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McCaslin, McDermott, Morton, Murray, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Absent: Senators Brown, McAuliffe, Oemig, Prentice and Tom

Excused: Senators Delvin, Hewitt, Jarrett and Shin

SENATE BILL NO. 5751, 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 Marr, Senators Brown, McAuliffe, Prentice and Tom were excused.

SECOND READING

SENATE BILL NO. 5727, by Senators McDermott, Oemig, Fairley, Sheldon, Shin and Roach

Prohibiting the providing of false information to voters.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 5727 was substituted for Senate Bill No. 5727 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 5727 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McDermott and Roach 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. 5727.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5727 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

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

Excused: Senators Brown, Delvin, Hewitt, Jarrett, Prentice, Shin and Tom

SUBSTITUTE SENATE BILL NO. 5727, 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. 5295, by Senators Kline, Oemig, Rockefeller, Holmquist, King, Hatfield and Hobbs

Implementing unanimous recommendations of the public records exemptions accountability committee.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5295 was substituted for Senate Bill No. 5295 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5295 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Roach 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. 5295.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5295 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

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

Excused: Senators Brown, Delvin, Hewitt, Jarrett, Prentice, Shin and Tom

SUBSTITUTE SENATE BILL NO. 5295, 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. 5809, by Senator Hargrove

Creating a temporary workforce employment and training program. Revised for 2nd Substitute: Revising unemployment compensation and workforce training provisions.

MOTION

On motion of Senator Hargrove, Second Substitute Senate Bill No. 5809 was substituted for Senate Bill No. 5809 and the second substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 14, line 29, after "workers", insert ", aerospace workers."

Senator Kauffman spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kauffman on page 14, line 29 to Second Substitute Senate Bill No. 5809.

The motion by Senator Kauffman carried and the amendment was adopted by voice vote.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Kohl-Welles be adopted.

On page 15, after line 5, insert: "(8) For the purposes of this section, forest industry worker training programs shall be considered high demand training programs."

Senator Hargrove spoke in favor of adoption of the amendment.

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The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Kohl-Welles on page 15, after line 5 to Second Substitute Senate Bill No. 5809.

Senator Hargrove spoke in favor of adoption of the amendment.

The motion by Senator Hargrove carried and the amendment was adopted by voice vote.

PARLIAMENTARY INQUIRY

Senator Holmquist: "Thank you Mr. President. I believe that this measure before us creates a new tax and requires a two-thirds vote under the provisions of Initiative 960 and I have some arguments to offer on this."

REMARKS BY THE PRESIDENT

President Owen: "Senator Holmquist has raised a point of inquiry as to the number of votes necessary to pass Second Substitute Senate Bill No. 5809. Senator Holmquist. Let me remind members that when you are making your comments on a point of order that your comments are to be brief. Senator Holmquist."

PARLIAMENTARY INQUIRY

Senator Holmquist: "Thank you Mr. President. My argument is that this bill deposits an amount equal to point one percent of taxable wages paid by an employer for educational grants to be awarded by the State Board for Community and Technical Colleges. The funds are paid by all employers who pay unemployment insurance premiums. This new funding is not part of the unemployment insurance program. In fact, the reason for the separate fund is that federal law prohibits the use of unemployment insurance funds for anything but the payment of unemployment insurance benefits. This appears to me to be a new tax Initiative 960 has had a very broad definition of a tax and covers 'any action or combination of actions by the legislature that increases the state tax revenue deposited in any fund, budget or account.' This bill raises revenue through a new tax on employers and deposits it into a separate account within the administrative contingency fund. If it is to be argued that this is a fee and not a new tax Mr. President, you have provided us guidance and past rulings. There must be 'a very close nexus between those paying a fee and purpose of which that fee is being used. Absent this tight connection a revenue action is more properly characterized as a general tax not a specific fee.' There appears to be a very tenuous connection between those paying this tax, all employers in the state and those benefitting from the tax, the unemployed workers seeking educational opportunities. I agree that it is a benefit to all of us if we're able to provide educational opportunities, however, this is a social benefit which makes this a tax and not a fee. Some might argue that because the bill also reduces the unemployment insurance premiums paid by an employer by an equal amount that this is a wash and not really a new tax or tax increase that this is merely a rate transfer. However, Mr. President, I believe that we need to look at what is really happening to the funds in this bill. Employers are paying into a fund for work force training grants. The fact that their unemployment insurance premiums are being reduced by an equal amount does not change this. It cannot cancel out the creation of a new tax for a separate purpose. I submit to you that Second Substitute Senate Bill No. 5809 creates a new tax requiring a two-thirds vote and I respectfully request a ruling thereon. Thank you Mr. President."

MOTION

On motion of Senator Eide, further consideration of Second Substitute Senate Bill No. 5809 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5355, by Senator Haugen

Regarding initial levy rates for rural county library districts.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5355 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5355.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5355 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

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

Excused: Senators Brown, Delvin, Hewitt, Jarrett, Prentice, Shin and Tom

SENATE BILL NO. 5355, 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. 5482, by Senators Haugen and Swecker

Modifying provisions governing two-wheeled and three-wheeled vehicles.

The measure was read the second time.

MOTION

On motion of Senator Marr, the rules were suspended, Senate Bill No. 5482 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5482.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5482 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 13; Absent, 0; Excused, 5.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig,

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Pflug, Pridemore, Ranker, Regala, Rockefeller, Swecker and Tom

Voting nay: Senators Becker, Benton, Hatfield, Holmquist, Honeyford, McCaslin, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens and Zarelli

Excused: Senators Delvin, Hewitt, Jarrett, Prentice and Shin
SENATE BILL NO. 5482, 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. 5539, by Senators Oemig, Jarrett, McAuliffe, Pflug and Tom

Regarding investment expenses of counties.

MOTIONS

On motion of Senator Oemig, Substitute Senate Bill No. 5539 was substituted for Senate Bill No. 5539 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Oemig, the rules were suspended, Substitute Senate Bill No. 5539 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig 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. 5539.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5539 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 1; Excused, 4.

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

Voting nay: Senator Sheldon

Absent: Senator Regala

Excused: Senators Delvin, Hewitt, Jarrett and Shin

SUBSTITUTE SENATE BILL NO. 5539, 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. 5327, by Senators Oemig, Swecker, Regala, McDermott and McAuliffe

Making technical corrections to election provisions.

MOTIONS

On motion of Senator Oemig, Substitute Senate Bill No. 5327 was substituted for Senate Bill No. 5327 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Oemig, the rules were suspended, Substitute Senate Bill No. 5327 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Regala was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5327.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5327 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Delvin, Hewitt, Jarrett and Shin
SUBSTITUTE SENATE BILL NO. 5327, 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. 5704, by Senators Swecker, Becker, Stevens and Roach

Concerning creation of a flood district by three or more counties.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5704 was substituted for Senate Bill No. 5704 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5704 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker 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. 5704.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5704 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Delvin, Hewitt, Jarrett and Shin

SUBSTITUTE SENATE BILL NO. 5704, 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. 5734, by Senators Kilmer, Delvin and Shin

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Making certain current higher education tuition-setting practices permanent. Revised for 1st Substitute: Regarding tuition at institutions.

MOTION

On motion of Senator Kilmer, Substitute Senate Bill No. 5734 was substituted for Senate Bill No. 5734 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 2, after line 28, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 28B.15 RCW to read as follows:

(1) For the purposes of this section, "cost of instruction" means the average instructional support in state general funds and operating fees per full-time equivalent undergraduate, at each institution of higher education for the prior academic year.

(2) Credits earned through advance placement programs shall not be applied to the total accumulated for the purposes of this section.

(3) For resident undergraduate students who have accumulated more than one hundred twenty-five percent of the number of credits required to complete their baccalaureate degree at a state university, regional university, or The Evergreen State College, tuition fees shall equal a sum not less than the cost of instruction.

(4) For nonresident undergraduate students who have accumulated more than one hundred twenty-five percent of the number of credits required to complete their baccalaureate degree at a state university, regional university, or The Evergreen State College, tuition fees shall equal a sum not less than twice the cost of instruction.

(5) It is presumed that increased tuition fees will apply to all students described in subsections (3) and (4) of this section unless the student presents to his or her registrar evidence that one or more of the following exemptions apply:

(a) The student is a dislocated worker as defined by RCW 50.04.075 or a person engaging in a job training program under the purview of the work force training and education coordinating board;

(b) The student participates in the border county higher education opportunity project under RCW 28B.76.685;

(c) The student is a certificated teacher of the K-12 school system pursuing continuing education credits according to certification requirements; or

(d) The student has not been enrolled in an institution of higher education during the preceding five years.

(6) Students who believe they are under extraordinary or unforeseen academic or personal circumstances or were unable to complete their baccalaureate degree program within the number of credits specified due to institutional constraints may petition the higher education coordinating board for a special waiver from the tuition provisions of subsections (3) and (4) of this section. The board shall create a process through which student petitions may be fairly processed, heard, and determined. The process shall include a one hundred dollar administrative fee. The entire amount of the fee shall be refunded for those students who make a successful petition."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 28B.15.067; and adding a new section to chapter 28B.15 RCW."

Senators Zarelli and Stevens spoke in favor of adoption of the amendment.

Senator Kilmer 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 2, after line 28 to Substitute Senate Bill No. 5734.

Senator Schoesler demanded a roll call.

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

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli and the amendment was not adopted by the following vote: Yeas, 18; Nays, 27; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Holmquist, Honeyford, King, McCaslin, Morton, Murray, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller and Tom

Excused: Senators Delvin, Hewitt, Jarrett and Shin

MOTION

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5734 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Marr, Senator Rockefeller was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5734.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5734 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Senators Delvin, Hewitt, Jarrett, Rockefeller and Shin

SUBSTITUTE SENATE BILL NO. 5734, 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. 5732, by Senators Kline, McCaslin, Regala and Hargrove

Concerning traffic infractions for drivers whose licenses or privileges are suspended or revoked.

MOTIONS

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On motion of Senator Kline, Substitute Senate Bill No. 5732 was substituted for Senate Bill No. 5732 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5732 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline 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. 5732.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5732 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 13; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon and Tom

Voting nay: Senators Becker, Benton, Carrell, Holmquist, Honeyford, King, Marr, Parlette, Pflug, Roach, Stevens, Swecker and Zarelli

Excused: Senators Delvin, Hewitt, Jarrett and Shin

SUBSTITUTE SENATE BILL NO. 5732, 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. 6009, by Senators Keiser, Kastama and Fairley

Concerning long-term care facilities.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6009 was substituted for Senate Bill No. 6009 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6009 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Pflug and Marr 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. 6009.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6009 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

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

Voting nay: Senators McCaslin and Morton

Excused: Senators Delvin, Hewitt, Jarrett and Shin

SUBSTITUTE SENATE BILL NO. 6009, 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. 5434, by Senators Marr, Holmquist, Kohl-Welles and Shin

Regarding prohibited practices in accountancy.

MOTIONS

On motion of Senator Marr, Substitute Senate Bill No. 5434 was substituted for Senate Bill No. 5434 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Substitute Senate Bill No. 5434 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr 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. 5434.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5434 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

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

Absent: Senator Tom

Excused: Senators Delvin, Hewitt, Jarrett and Shin

SUBSTITUTE SENATE BILL NO. 5434, 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 Benton: "Thank you Mr. President. I've just been informed that it's snowing between here and Vancouver on the interstate. The weather is turned very bad in the last half hour. It looks like we'll be getting some snow here and so I just wanted the members to know if they're planning on going home sometime today, it could be perilous out there."

MOTION

At 2:26 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 3:31 p.m. by the President Pro Tempore.

SECOND READING

SENATE BILL NO. 5760, by Senators Fraser, Brandland, Zarelli, Shin, Kilmer and Kohl-Welles

Regarding the University of Washington's and Washington State University's public works contracting procedures.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5760 was substituted for Senate Bill No. 5760 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5760 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Benton and Parlette were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5760.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5760 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 5; Absent, 1; Excused, 6.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Swecker, Tom and Zarelli

Voting nay: Senators Carrell, Honeyford, McCaslin, Sheldon and Stevens

Absent: Senator Fairley

Excused: Senators Benton, Delvin, Hewitt, Jarrett, Parlette and Shin

SUBSTITUTE SENATE BILL NO. 5760, 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 Regala, Senator Fairley was excused.

SECOND READING

SENATE BILL NO. 5542, by Senators Franklin, Delvin and Kohl-Welles

Providing a minimum retirement allowance for members of the law enforcement officers' and firefighters' retirement system plan 2 who were disabled in the line of duty before January 1, 2001.

The measure was read the second time.

MOTION

On motion of Senator Tom, the rules were suspended, Senate Bill No. 5542 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom 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. 5542.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5542 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

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

Excused: Senators Benton, Delvin, Fairley, Hewitt, Jarrett, Parlette and Shin

SENATE BILL NO. 5542, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President assumed the chair.

SECOND READING

SENATE BILL NO. 5723, by Senators Kastama, Shin and Swecker

Providing support for small business assistance.

MOTION

On motion of Senator Kastama, Substitute Senate Bill No. 5723 was substituted for Senate Bill No. 5723 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. 5723 was deferred and the bill held its place on the second reading calendar.

The Senate resumed consideration of Substitute Senate Bill No. 5723.

WITHDRAWAL OF AMENDMENT

On motion of Senator Oemig, the amendment by Oemig on page 1, line 6 to Substitute Senate Bill No. 5723 was withdrawn.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5723 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Zarelli 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. 5723.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5723 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 3; Absent, 0; Excused, 7.

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

Voting nay: Senators Holmquist, Schoesler and Stevens

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Excused: Senators Benton, Delvin, Fairley, Hewitt, Jarrett, Parlette and Shin

SUBSTITUTE SENATE BILL NO. 5723, 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. 5904, by Senators Kohl-Welles, Prentice, Keiser, Franklin, Hobbs and Kline

Defining independent contractor for purposes of prevailing wage.

MOTIONS

On motion of Senator Kohl-Welles Substitute Senate Bill No. 5904 was substituted for Senate Bill No. 5904 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5904 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

Senator Holmquist spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5904.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5904 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 15; Absent, 0; Excused, 7.

Voting yea: Senators Berkey, Brown, Eide, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller and Tom

Voting nay: Senators Becker, Brandland, Carrell, Haugen, Holmquist, Honeyford, King, McCaslin, Morton, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Benton, Delvin, Fairley, Hewitt, Jarrett, Parlette and Shin

SUBSTITUTE SENATE BILL NO. 5904, 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.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Holmquist as to the application of Initiative Number 960 to Engrossed Second Substitute Senate Bill 5809, the President finds and rules as follows:

The President begins by reminding the body that neither he nor they adopted the law that was enacted by I-960. I-960 was drafted with very strict parameters, and the President—like the members of this august body—is charged with enforcing its strictures. It may be that the strict language of I-960 results in harsh or undesirable consequences, but this is a result of the strict language of the initiative, not the judgment of the President.

That said, the President is once again called upon to determine whether an action of the Legislature may be properly characterized as a tax or a fee. The President begins by addressing the threshold question of whether the proposed

language of the measure is a revenue increase in the first place. While it is true that the net effect to individual rate payors is unchanged, the President believes that this measure contains two significant but separate actions: the first reduces the rate of tax paid for traditional unemployment purposes; the second increases the rate paid into a fund for the purpose of retraining unemployed workers, which is presently not permitted under the federal unemployment program.

The President believes that simply achieving a net effect of payor neutrality does not dispose of the I-960 implications. Instead, the President believes that the proper analysis is to view the actions separately: that is, one which reduces the amount paid, and another that increases the amount paid. It is this second action that is the focus of this ruling. The President believes that it is the rate of tax—not the funds—which is transferred under this measure. As a result, the question then becomes a determination of whether there is a sufficient nexus between the purpose on which the raised revenue may be spent and those who are paying the increase. In this case, the President believes that there is not a sufficient nexus. While it may come to pass that those paying the increase will receive an indirect benefit from this action, it seems more appropriate to characterize the benefit as being one to society at large. For this reason, the President believes this second action is more properly characterized as a tax increase that requires a 2/3 vote under the plain language of I-960.

For these reasons, Senator Holmquist's point is well-taken, and this measure as presently drafted will take a 2/3 vote of this body for final passage."

MOTION

On motion of Senator Eide, further consideration of Second Substitute Senate Bill No. 5809 was deferred and the bill held its place on the second reading calendar.

MOTION

At 4:03 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Monday, March 9, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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| Introduction & 1st Reading. | 1 | 1692-S | Introduction & 1st Reading. | 5 |
| 1135-S | | 1749-S | Introduction & 1st Reading. | 5 |
| Introduction & 1st Reading. | 2 | 1752-S | Introduction & 1st Reading. | 5 |
| 1140-S | | 1758-S | Introduction & 1st Reading. | 5 |
| Introduction & 1st Reading. | 2 | 1762-S2 | Introduction & 1st Reading. | 5 |
| 1180-S2 | | 1765-S | Introduction & 1st Reading. | 5 |
| Introduction & 1st Reading. | 2 | 1792-S | Introduction & 1st Reading. | 5 |
| 1202-S | | 1802-S | Introduction & 1st Reading. | 6 |
| Introduction & 1st Reading. | 2 | 1818 | Introduction & 1st Reading. | 6 |
| 1205-S | | 1864-S | Introduction & 1st Reading. | 6 |
| Introduction & 1st Reading. | 2 | 1997 | Introduction & 1st Reading. | 6 |
| 1208-S2 | | 2116-S | Introduction & 1st Reading. | 6 |
| Introduction & 1st Reading. | 2 | 2117 | Introduction & 1st Reading. | 6 |
| 1212 | | 2146 | Introduction & 1st Reading. | 6 |
| Introduction & 1st Reading. | 2 | 2208-S | Introduction & 1st Reading. | 6 |
| 1234-S | | 5120 | Second Reading. | 8 |
| Introduction & 1st Reading. | 2 | Third Reading Final Passage. | 8 | |
| 1251 | | 5147 | Second Reading. | 7 |
| Introduction & 1st Reading. | 2 | Third Reading Final Passage. | 7 | |
| 1252-S2 | | 5152 | Second Reading. | 7 |
| Introduction & 1st Reading. | 2 | | | |
| 1283-S | | | | |
| Introduction & 1st Reading. | 2 | | | |
| 1292-S | | | | |
| Introduction & 1st Reading. | 2 | | | |
| 1302 | | | | |
| Introduction & 1st Reading. | 3 | | | |
| 1303-S | | | | |
| Introduction & 1st Reading. | 3 | | | |
| 1310 | | | | |
| Introduction & 1st Reading. | 3 | | | |
| 1312 | | | | |
| Introduction & 1st Reading. | 3 | | | |
| 1323-S | | | | |
| Introduction & 1st Reading. | 3 | | | |
| 1328-S | | | | |
| Introduction & 1st Reading. | 3 | | | |
| 1355-S2 | | | | |
| Introduction & 1st Reading. | 3 | | | |
| 1409-S | | | | |
| Introduction & 1st Reading. | 3 | | | |
| 1414-S | | | | |
| Introduction & 1st Reading. | 3 | | | |
| 1441-S | | | | |
| Introduction & 1st Reading. | 3 | | | |
| 1457-S | | | | |
| Introduction & 1st Reading. | 3 | | | |
| 1468 | | | | |
| Introduction & 1st Reading. | 4 | | | |
| 1474 | | | | |
| Introduction & 1st Reading. | 4 | | | |

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|--------|--------------------------------------|----|-------------------------|--|----|
| 5152-S | Second Reading. | 7 | 5732 | Second Reading. | 14 |
| | Third Reading Final Passage. | 7 | 5732-S | Second Reading. | 15 |
| 5271 | Second Reading. | 7 | | Third Reading Final Passage. | 15 |
| 5271-S | Second Reading. | 7 | 5734 | Second Reading. | 13 |
| | Third Reading Final Passage. | 7 | 5734-S | Second Reading. | 14 |
| 5295 | Second Reading. | 11 | | Third Reading Final Passage. | 14 |
| 5295-S | Second Reading. | 11 | 5751 | Second Reading. | 10 |
| | Third Reading Final Passage. | 11 | | Third Reading Final Passage. | 10 |
| 5327 | Second Reading. | 13 | 5760 | Second Reading. | 15 |
| 5327-S | Second Reading. | 13 | 5760-S | Second Reading. | 16 |
| | Third Reading Final Passage. | 13 | | Third Reading Final Passage. | 16 |
| 5355 | Second Reading. | 12 | 5809 | Second Reading. | 11 |
| | Third Reading Final Passage. | 12 | 5809-S2 | Second Reading. | 11 |
| 5359 | Second Reading. | 7 | 5839 | Second Reading. | 9 |
| | Third Reading Final Passage. | 8 | 5839-S | Second Reading. | 9 |
| 5402 | Second Reading. | 8 | | Third Reading Final Passage. | 9 |
| 5402-S | Second Reading. | 8 | 5904 | Second Reading. | 17 |
| | Third Reading Final Passage. | 8 | 5904-S | Second Reading. | 17 |
| 5434 | Second Reading. | 15 | | Third Reading Final Passage. | 17 |
| 5434-S | Second Reading. | 15 | 5940 | Second Reading. | 9 |
| | Third Reading Final Passage. | 15 | | Third Reading Final Passage. | 9 |
| 5440 | Second Reading. | 10 | 5944 | Second Reading. | 10 |
| 5440-S | Second Reading. | 10 | | Third Reading Final Passage. | 10 |
| | Third Reading Final Passage. | 10 | 6009 | Second Reading. | 15 |
| 5482 | Second Reading. | 12 | 6009-S | Second Reading. | 15 |
| | Third Reading Final Passage. | 12 | | Third Reading Final Passage. | 15 |
| 5507 | Second Reading. | 8 | 8216 | Introduction & 1st Reading. | 1 |
| | Third Reading Final Passage. | 9 | 9013 J. A. Bricker | Confirmed. | 6 |
| 5539 | Second Reading. | 13 | PRESIDENT OF THE SENATE | Remarks by the President. | 12 |
| 5539-S | Second Reading. | 13 | | Ruling by the President. | 17 |
| | Third Reading Final Passage. | 13 | WASHINGTON STATE SENATE | Parliamentary Inquiry, Senator Holmquist | 12 |
| 5542 | Second Reading. | 16 | | Personal Privilege, Senator Benton. | 15 |
| | Third Reading Final Passage. | 16 | | Point of Inquiry, Senator Franklin. | 9 |
| 5704 | Second Reading. | 13 | | Point of Inquiry, Senator Marr. | 9 |
| 5704-S | Second Reading. | 13 | | Point of Inquiry, Senator Pflug. | 8 |
| | Third Reading Final Passage. | 13 | | | |
| 5723 | Second Reading. | 16 | | | |
| 5723-S | Other Action. | 16 | | | |
| | Second Reading. | 16 | | | |
| | Third Reading Final Passage. | 17 | | | |
| 5727 | Second Reading. | 11 | | | |
| 5727-S | Second Reading. | 11 | | | |
| | Third Reading Final Passage. | 11 | | | |