

SIXTEENTH DAY, JANUARY 23, 2007

2007 REGULAR SESSION

SIXTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 23, 2007

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

SB 5002 Prime Sponsor, Hewitt: Changing tuition waivers for families of fallen veterans and national guard members. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5002 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

SB 5009 Prime Sponsor, Haugen: Exempting biodiesel fuel used for nonhighway farm use from sales and use tax. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5009 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Ways & Means.

SB 5040 Prime Sponsor, Eide: Creating a survivors' endowed scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5040 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

SB 5100 Prime Sponsor, Hobbs: Regarding health insurance information for students. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Without recommendation. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

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

SB 5113 Prime Sponsor, Schoesler: Authorizing the application of barley straw to waters of the state. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Rules for second reading.

SB 5167 Prime Sponsor, Shin: Modifying the definition of "training system" in RCW 28C.18.010. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

SB 5191 Prime Sponsor, Hatfield: Modifying missing persons provisions. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5191 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove and Roach

Passed to Committee on Rules for second reading.

SB 5254 Prime Sponsor, Kilmer: Authorizing a grant program for industry skill panels. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Ways & Means.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5009 which was referred to the Committee on Ways & Means.

MOTION

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

MESSAGE FROM THE HOUSE

January 22, 2007

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1025,
HOUSE BILL NO. 1051,
SECOND SUBSTITUTE HOUSE BILL NO. 1095,
HOUSE BILL NO. 1168,

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and the same are herewith transmitted.

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RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5514 by Senators Kohl-Welles, Shin, Keiser, Delvin, Murray, Weinstein, Kline, Kauffman, Kilmer, Fairley, McAuliffe and Regala

AN ACT Relating to employment opportunities at institutions of higher education; adding a new section to chapter 28B.52 RCW; and adding a new section to chapter 41.76 RCW.

Referred to Committee on Higher Education.

SB 5515 by Senators Stevens, Holmquist, Benton, Swecker, Roach and Delvin

AN ACT Relating to prohibiting county assessors from publicizing real property owners' personal information; adding a new section to chapter 36.21 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5516 by Senators Stevens, Benton, Holmquist, Schoesler, Carrell, Swecker, Clements, Delvin and Roach

AN ACT Relating to the seizure or confiscation of firearms during a state of emergency or natural disaster; adding a new section to chapter 38.52 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5517 by Senators Berkey, Kauffman, Haugen, Eide, Kastama, Schoesler, Shin, Hatfield, Keiser, Rasmussen, Kline and Regala

AN ACT Relating to increasing the personal needs allowance for persons receiving state-financed care; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5518 by Senator Fairley

AN ACT Relating to removing the limitations on the number of divisions and assistant directors within the department of retirement systems; and amending RCW 41.50.050 and 41.50.070.

Referred to Committee on Ways & Means.

SB 5519 by Senators Delvin, Poulsen, Honeyford, McCaslin, Shin and Rasmussen

AN ACT Relating to changes in the point of diversion under a water right; amending RCW 90.03.380, 90.03.395, and 90.03.397; adding a new section to chapter 90.03 RCW; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

SB 5520 by Senators Honeyford and Keiser

AN ACT Relating to the use of video equipment in nursing homes; adding a new section to chapter 18.51 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5521 by Senators Honeyford and Delvin

AN ACT Relating to studying traffic safety education options for students receiving home-based instruction; and creating a new section.

Referred to Committee on Transportation.

SB 5522 by Senators Prentice, Fairley, Weinstein and Kline

AN ACT Relating to the annexation by a city, code city, or town of a portion of a rural county library district; and adding new sections to chapter 27.12 RCW.

Referred to Committee on Government Operations & Elections.

SB 5523 by Senators Franklin, Carrell, Keiser, Prentice, Berkey and Parlette

AN ACT Relating to specified disease, hospital confinement, or other fixed payment insurance; and amending RCW 48.43.005.

Referred to Committee on Health & Long-Term Care.

SB 5524 by Senators Berkey, Schoesler, Fairley and Roach

AN ACT Relating to manufactured home parks or manufactured housing communities; and amending RCW 35.63.160.

Referred to Committee on Consumer Protection & Housing.

SB 5525 by Senators Oemig, Swecker and Regala

AN ACT Relating to medical insurance for city officials; and amending RCW 41.04.190.

Referred to Committee on Government Operations & Elections.

SB 5526 by Senators Hargrove, Regala, Prentice and Shin

AN ACT Relating to modifying the definition of criminal act; and amending RCW 7.68.020.

Referred to Committee on Human Services & Corrections.

SB 5527 by Senators Hatfield, Morton, Parlette and Rasmussen

AN ACT Relating to consolidating designated forest lands and open space timber lands for ease of administration;

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amending RCW 84.33.035, 84.33.130, 84.33.140, 84.33.145, 84.33.170, 84.34.020, 84.34.030, 84.34.060, 84.34.070, 84.34.080, 84.34.108, 84.34.145, 84.34.155, 84.34.210, 84.34.220, 84.34.300, 84.34.310, 84.34.330, 84.34.340, 84.34.370, and 84.34.380; reenacting and amending RCW 84.34.320 and 84.34.360; and repealing RCW 84.33.077, 84.34.041, and 84.34.131.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5528 by Senators Pflug, Holmquist, Zarelli, Swecker, Clements, Stevens, Roach, Hewitt, Delvin and Parlette

AN ACT Relating to mathematics education; adding a new section to chapter 28A.655 RCW; creating a new section; and declaring an emergency.

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

SB 5529 by Senators Holmquist, Zarelli, Carrell, Benton, Morton, Schoesler, Stevens, Parlette, Pflug, Swecker, Roach, Clements, Delvin and Hewitt

AN ACT Relating to the oath of office; amending RCW 2.04.080, 2.06.085, 2.08.080, 2.08.180, 2.24.020, 3.34.080, 3.50.097, 28A.330.060, 28A.343.360, 35.20.180, and 43.01.020; and adding a new section to chapter 43.01 RCW.

Referred to Committee on Government Operations & Elections.

SB 5530 by Senators Kohl-Welles, Kline, Fairley, Oemig and Regala

AN ACT Relating to the restoration of the right to vote for people who were convicted of felonies; amending RCW 29A.04.079, 29A.08.520, 29A.68.020, 9.92.066, 9.94A.637, 9.96.050, and 10.64.140; and repealing RCW 10.64.021 and 29A.08.660.

Referred to Committee on Government Operations & Elections.

SB 5531 by Senator Jacobsen

AN ACT Relating to providing funding for parks and recreational facilities; amending RCW 82.46.010; and reenacting and amending RCW 82.46.035.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5532 by Senators Benton, Holmquist, Rasmussen, Swecker, Roach, Hobbs, Oemig, Morton, Delvin, Keiser and Shin

AN ACT Relating to eminent domain; and adding a new chapter to Title 8 RCW.

Referred to Committee on Judiciary.

SB 5533 by Senators Pflug, Hargrove, Kline, Swecker, Delvin, Stevens, Holmquist, Parlette and Hewitt

AN ACT Relating to procedures for individuals who are mentally ill and engaged in acts constituting criminal behavior; amending RCW 71.05.020, 71.05.150, 49.19.010,

71.34.600, 71.24.035, 71.05.160, and 71.05.360; reenacting and amending RCW 71.05.390; adding new sections to chapter 10.77 RCW; adding a new section to chapter 71.05 RCW; creating new sections; and repealing RCW 10.77.090.

Referred to Committee on Human Services & Corrections.

SB 5534 by Senators Kohl-Welles, Clements and Keiser

AN ACT Relating to an exemption from unemployment compensation contributions for certain small performing arts industries; and amending RCW 50.04.320.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5535 by Senators Murray, Jacobsen and Kohl-Welles

AN ACT Relating to school district board of directors; amending RCW 28A.343.300 and 28A.343.400; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.343 RCW; and creating new sections.

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

SB 5536 by Senators Fairley, Pflug, Weinstein, Stevens, Hewitt and Keiser

AN ACT Relating to limiting the regulation of the practice of massage by political subdivisions; amending RCW 18.108.210; creating a new section; and repealing RCW 18.108.100.

Referred to Committee on Health & Long-Term Care.

SB 5537 by Senators Fairley, Kline, Kohl-Welles and Roach

AN ACT Relating to reclassifications, class studies, and salary adjustments; and amending RCW 41.06.152.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5538 by Senators Fairley, Pridemore, Shin and Roach

AN ACT Relating to the employee assistance program; and amending RCW 41.04.730.

Referred to Committee on Government Operations & Elections.

SB 5539 by Senators Fairley, Pridemore and Roach

AN ACT Relating to the authority of the director of the Washington state department of personnel and the Washington personnel resources board; amending RCW 41.06.070, 41.06.093, 41.06.420, 41.48.140, 41.04.670, 43.43.832, 70.24.300, 72.01.210, and 72.02.045; reenacting and amending RCW 41.06.150; and repealing RCW 41.06.136.

Referred to Committee on Government Operations & Elections.

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SB 5540 by Senators Kastama, Weinstein, Shin and Rasmussen

AN ACT Relating to making an appropriation to the mobile home park relocation fund; and making an appropriation.

Referred to Committee on Consumer Protection & Housing.

SB 5541 by Senators Kohl-Welles, Keiser, Franklin and Kline

AN ACT Relating to bouncers; and amending RCW 18.170.010 and 18.170.020.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5542 by Senators Jacobsen, McAuliffe, Poulsen, Honeyford, Rasmussen and Holmquist

AN ACT Relating to establishing the Washington state heritage barn preservation program; amending RCW 27.34.020; adding new sections to chapter 27.34 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5543 by Senators Clements, Kilmer, Holmquist, Sheldon, Marr, Hargrove, Regala, Carrell, Delvin, Pridemore, Oemig, Schoesler, Shin and Rasmussen

AN ACT Relating to motorcycles at traffic signals; adding a new section to chapter 46.61 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 5544 by Senators Fraser, Poulsen, Fairley, Weinstein, Jacobsen, Franklin and Kline

AN ACT Relating to environmental noise abatement; amending RCW 46.09.120, 46.09.190, 70.107.060, 70.107.050, 70.107.020, and 46.09.020; adding new sections to chapter 70.107 RCW; adding a new section to chapter 46.09 RCW; and prescribing penalties.

Referred to Committee on Consumer Protection & Housing.

SB 5545 by Senators Honeyford, Schoesler and Roach

AN ACT Relating to the issuance of horseless carriage plates to trailers more than thirty years old; reenacting and amending RCW 46.16.305; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5546 by Senators Kline, Fairley and Franklin

AN ACT Relating to small works roster contracting procedures; and amending RCW 39.04.155.

Referred to Committee on Government Operations & Elections.

SB 5547 by Senators Kline, Delvin, Fairley, Kohl-Welles, Keiser, Pflug, Franklin, Brandland, Marr, Regala, Rasmussen, Roach, Parlette, Shin, McAuliffe and Hewitt

AN ACT Relating to the office of the ombudsman for persons with developmental disabilities; and adding a new chapter to Title 43 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5548 by Senators Kline, Hargrove and Carrell

AN ACT Relating to creating the probation services task force; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 5549 by Senators Kline, Zarelli and Fairley

AN ACT Relating to expanding the responsibilities of the caseload forecast council; and amending RCW 43.88C.010.

Referred to Committee on Ways & Means.

SB 5550 by Senators Weinstein, Kohl-Welles, Murray, Kauffman, Kastama, Tom, Rockefeller, Pridemore, Spael, Marr, Haugen, Eide, McAuliffe, Hargrove, Hatfield, Fraser, Kilmer, Jacobsen, Brown, Keiser, Shin, Franklin, McCaslin, Poulsen, Oemig, Kline and Regala

AN ACT Relating to real property; amending RCW 4.16.310; and adding a new chapter to Title 64 RCW.

Referred to Committee on Consumer Protection & Housing.

SJM 8004 by Senators Stevens, Swecker and Benton

Requesting the withdrawal of the United States from participation in the Security and Prosperity Partnership of North America.

Referred to Committee on Economic Development, Trade & Management.

SJM 8005 by Senators Stevens, Benton, Swecker and Kline

Requesting the suspension of implementing the federal REAL ID Act.

Referred to Committee on Transportation.

SJM 8006 by Senators Holmquist, Benton, Zarelli, Schoesler, Carrell, Parlette, Delvin, Pflug, Swecker, Morton, Clements, Stevens, Hewitt, Roach and Shin

Requesting that the words "under God" remain in the Pledge of Allegiance.

Referred to Committee on Government Operations & Elections.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1025 by Representatives Rolfes, Newhouse, Lovick, Armstrong, Dunshee, Eickmeyer, Ericks, Blake, Morrell, Kenney, P. Sullivan, Wallace, Moeller, Warnick, Chase and Miloscia

AN ACT Relating to authorization for projects recommended by the public works board; creating a new section; and declaring an emergency.

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Referred to Committee on Ways & Means.

HB 1051 by Representatives Upthegrove, Kagi, P. Sullivan, Haigh, Simpson, Moeller, Green, Santos, Kenney, Williams, Hunter and Miloscia

AN ACT Relating to high school completion programs; amending RCW 28B.50.535, 28A.230.120, 28A.655.061, 28B.15.520, and 28B.15.067; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28A.600 RCW; and creating a new section.

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

2SHB 1095 by House Committee on Appropriations (originally sponsored by Representatives Barlow, Hinkle, Appleton, Green, Ormsby, Schual-Berke, Cody, Blake, B. Sullivan, Hurst, O'Brien, Clibborn, Morrell, Conway, Kenney, Linville, Rolfes, Moeller and Dunn)

AN ACT Relating to implementing the part D drug copayment program; and amending RCW 74.09.520 and 74.09.010.

HB 1168 by Representatives Roach, Hurst, Newhouse, Santos, Orcutt, Pettigrew, Moeller, Morrell, Priest, Armstrong, Curtis, Haler, Condotta, Buri, Kristiansen, Alexander, Warnick, Strow, Ericksen, Dunshee, Kirby, Chase, Bailey, Springer, McDonald, Ross, Blake, Kenney, Lovick, Appleton, Darneille, McCoy, O'Brien, Sells, Takko, Williams, VanDeWege, Hunter, Ormsby, Schual-Berke, Pearson, Fromhold, Hinkle, Simpson, Clibborn, Lantz, Linville, Campbell, Kelley, Green, Eddy and McCune

AN ACT Relating to disorderly conduct; amending RCW 9A.84.030; prescribing penalties; and declaring an emergency.

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 Second Substitute House Bill No. 1095 and House Bill No. 1168 which were placed on the second reading calendar under suspension of the rules.

MOTION

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

MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION 8605

By Senators Shin, Pridemore, Kastama, Berkey, Jacobsen and Rasmussen

WHEREAS, The United States and the Republic of Korea have maintained a respectful, supportive, and long-lasting friendship; and

WHEREAS, The Republic of Korea and Washington state have enjoyed a fruitful relationship with strong economic ties, trade exchanges, and the sharing of knowledge; and

WHEREAS, This mutually beneficial relationship is evident in the cooperation and bond between Lake Washington Technical College and the 43 Korean Polytechnic Colleges known as KOPO; and

WHEREAS, The signing of the memorandum by Governor Christine Gregoire, Senator Paull Shin, and Dr. Yong Ung Park, chief executive officer of the Korea Polytechnic College Board, signified this growing tie; and

WHEREAS, The visit today, January 23, 2007, by the Korean delegates: Dr. Soon Hie Kang, secretary to the president for Labor Affairs; Mr. Chang Hyun Park, director of the National Assembly; Mr. Kyung Mun Han, junior supervisor of the Ministry of Education; Mr. Kyong Sub Jung, deputy director of the Ministry of Labor Affairs; Dr. Sang Duk Lee, president of Korea Polytechnics; Dr. Joon Chul Eom, executive director of Korea Polytechnics; and Ms. Jung Hye Yoon, a KOPO coordinator, to Washington state further deepens the network of relations between the colleges; and

WHEREAS, Earlier today, Governor Christine Gregoire proclaimed this as Korea Washington-Partners for Workforce Education Day;

NOW, THEREFORE, BE IT RESOLVED, That today the Washington state Senate honors the expanding collaboration between Washington state technical colleges and the 43 polytechnic colleges represented by KOPO; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington state Senate, members of the Korean delegation, KOPO, and Lake Washington Technical College.

Senator Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8605.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Korean Delegation who were seated in the gallery.

MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION 8607

By Senators Rasmussen, Schoesler, Shin, Morton, Jacobsen and Hatfield

WHEREAS, Twenty percent of the nation's potatoes are produced in the state of Washington; and

WHEREAS, Washington ranks second in the nation in the total production of potatoes and first in per acre yield of potatoes; and

WHEREAS, Potatoes contribute to our trade balance and the overall health of the state's economy with over \$300 million of potatoes being exported annually through the ports in Tacoma and Seattle alone; and

WHEREAS, Potatoes represent the state's third largest agricultural commodity with a farm gate value of over \$500 million, and total value of processed potato products of \$2.5 billion; and

WHEREAS, Washington potato growers have won national awards for environmentally friendly and efficient use of water and fertilizers;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the men and women in the state of Washington who work to make the Washington potato industry successful; and

BE IT FURTHER RESOLVED, That the Washington State Senate recognize the contribution that this valuable industry makes to the strength and vitality of the state's economy and

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wishes to thank the Washington Potato Commission for the opportunity to sample the great WATATO (Yes, ladies and gentlemen, that's right WATATO) today on the Capitol Campus.

Senators Rasmussen and Schoesler spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8607.

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

MOTION

At 12:15 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, January 24, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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