

FORTIETH DAY, FEBRUARY 22, 2008

2008 REGULAR SESSION

FORTIETH DAY**MORNING SESSION**

Senate Chamber, Olympia, Friday, February 22, 2008

The Senate was called to order at 10:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Jacobsen, Kohl-Welles and McCaslin.

The Sergeant at Arms Color Guard consisting of Pages Haley Budigan and Tyler Shepard, presented the Colors. Chaplain Rajan Zed of the Hindu Temple of Northern Nevada in Reno, Nevada offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 21, 2008

SHB 1148 Prime Sponsor, Committee on Housing: Addressing the restriction of mobile home or manufactured home locations. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

February 21, 2008

ESHB 1394 Prime Sponsor, Committee on Higher Education: Authorizing incentive grants to support medical research and products to improve services to persons with developmental disabilities. Reported by Committee on Higher Education

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

Passed to Committee on Rules for second reading.

February 21, 2008

ESHB 1865 Prime Sponsor, Committee on Judiciary: Limiting the obligations of landlords under writs of restitution. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Jacobsen; Kilmer; McCaslin and Tom.

Passed to Committee on Rules for second reading.

February 21, 2008

E2SHB 2082 Prime Sponsor, Committee on Appropriations: Establishing the field of dreams program. Reported by Committee on Higher Education

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

Passed to Committee on Ways & Means.

February 20, 2008

2E2SHB 2176 Prime Sponsor, Committee on Appropriations: Revising provisions involving court interpreters. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Ways & Means.

February 21, 2008

HB 2283 Prime Sponsor, Representative Hunter: Concerning the joint legislative audit and review committee performance reviews of the home care quality authority. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Rules for second reading.

February 21, 2008

HB 2469 Prime Sponsor, Representative Uptegrove: Eliminating references to pierhead lines and regarding authorizing structures within waterways. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 20, 2008

HB 2499 Prime Sponsor, Representative Pedersen: Addressing the materials required to accompany notice under the Washington business corporation act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin; Carrell; Hargrove; McDermott; Roach and Weinstein.

Passed to Committee on Rules for second reading.

February 21, 2008

SHB 2541 Prime Sponsor, Committee on Judiciary: Concerning reserve accounts and studies for condominium associations. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin; Jacobsen; Kilmer; McCaslin and Tom.

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

Passed to Committee on Rules for second reading.

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Passed to Committee on Rules for second reading.

February 21, 2008
SHB 2560 Prime Sponsor, Committee on Health Care & Wellness: Defining small employers for purposes of health insurance coverage. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Rules for second reading.

February 21, 2008
HB 2571 Prime Sponsor, Representative Seaquist: Modifying armed forces provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; Kline and McDermott.

Passed to Committee on Transportation.

February 21, 2008
SHB 2582 Prime Sponsor, Committee on Higher Education: Regarding child care at institutions of higher education. Reported by Committee on Higher Education

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

Passed to Committee on Rules for second reading.

February 21, 2008
HB 2761 Prime Sponsor, Representative Schual-Berke: Renaming the children's trust of Washington as the council for children and families. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and Marr.

Passed to Committee on Rules for second reading.

February 21, 2008
HB 2834 Prime Sponsor, Representative Roberts: Modifying a foster parent license due to a change of residence. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell and Marr.

Passed to Committee on Rules for second reading.

February 21, 2008
HB 2909 Prime Sponsor, Representative Orcutt: Extending the study of the state's specialized forest product resources. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 21, 2008

SGA 9239 STEPHEN THARINGER, reappointed on January 9, 2006, for the term ending July 15, 2009, as Member of the Salmon Recovery Funding Board. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 21, 2008

SGA 9315 DONALD HOVER, appointed on October 3, 2007, for the term ending July 15, 2011, as Member of the Salmon Recovery Funding Board. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 21, 2008

SGA 9337 BOB NICHOLS, appointed on October 25, 2007, for the term ending July 15, 2011, as Member of the Salmon Recovery Funding Board. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton; Fraser; Hargrove; Rockefeller; Spanel; Stevens and Swecker.

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Second Engrossed Second Substitute House Bill No. 2176 which was referred to the Committee on Ways & Means.

MOTION

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

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

February 11, 2008

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HARRY BARBER, appointed February 6, 2008, for the term ending July 15, 2009, as Member of the Salmon Recovery Funding Board.

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Sincerely,
 CHRISTINE O. GREGOIRE, Governor
 Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6952 by Senators Marr, Keiser and Kohl-Welles

AN ACT Relating to establishing fees for certain health professions; amending RCW 18.250.080, 18.260.020, 18.74.030, 18.74.070, and 18.74.073; adding a new section to chapter 18.74 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

MOTION

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

MOTION

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

MOTION

Senator Kastama moved adoption of the following resolution:

SENATE RESOLUTION
 8730

By Senators Kastama, Rasmussen, Regala, Eide, Franklin, Roach, Kilmer, and Carrell

WHEREAS, Fred Oldfield was born on March 18, 1918, in Alfalfa, Washington, and raised on the Yakima Indian Reservation near Toppenish, where his youth was filled with the cowboy life of covered wagons, horses, farming, and trail rides; and

WHEREAS, His experiences as a young man and a cowhand would later populate his paintings; and

WHEREAS, As one of the granddaddies of Western Art, *The Fred Oldfield Western Heritage Center* was built in 2002 and is dedicated to the preservation of Fred's dream - sharing his love of life, Western Art, and the history of the American West for all generations; and

WHEREAS, The title of an "unconventional man" has been given to Fred as he has gone against all odds to spend his life working at his passion - painting; and

WHEREAS, Fred has won numerous awards for his work and at almost age 90, PBS has just released the series "Painting the West with Fred Oldfield"; and

WHEREAS, Fred Oldfield remains very active in his Pacific Northwest community and has raised over a million dollars by donating his paintings to causes that benefit children and community needs; and

WHEREAS, His favorite recognition is the look in the eyes of children as he tells them about his days on the range, time around the campfire, eating from the chuck wagon, helping your neighbors with old time barn raisings, all while they are painting together; and

WHEREAS, There will be a 90th birthday gala to be held at the Puyallup Fairgrounds on March 29th, preceded by two weeks of Whooping! Whistling! Shouting! & Stomping!; and

WHEREAS, The Governor will proclaim March 18, 2008, "Fred Oldfield Day";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate join in celebrating Fred Oldfield Day to honor this remarkable man; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Fred Oldfield, The Fred Oldfield Western Heritage Center, the City of Puyallup, the Governor, and the Lieutenant Governor.

Senators Kastama, Rasmussen, Honeyford and Eide spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8730.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Mr. Fred Oldfield, who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Mr. Oldfield to address the Senate.

REMARKS BY FRED OLDFIELD

Fred Oldfield: "I don't know what to say after that. Somebody gave you folks the wrong information, that's all I can say. Well, you know, I am very honored I have to say that but you know there my daughter is the one that really instigated that Heritage Center and many other people should be honored for that is the people that, the teachers and the volunteers and the people that backed us, the sponsorships and all that. There's a lot of people out there that need that. I get all the fun. I get to teach the kids and I learn things every day from kids and if you got a minute, I'll tell you a couple of jokes. You know I was inside the Center and I was painting there one day and it had a mural there and I got about a dozen kids watching me and there's a couple of girls about nine years old standing there. You could tell they were buddies and they're watching me paint and pretty quick one of them, I was sitting on a stool because it way down low, she leaned down and said 'Cowboy Fred, how old are you?' I said 'I'll tell you what, you guess how old I am.' She thought a minute and she said 'I think fifty or sixty; and the other little girl leaned down and said, 'she's sucking up.' You never know what your going to get from them kids. There was one other cute thing that happened to me that shows you how kids are. They're thinking all the time. We get the kids up to about twelve through thirteen years old and maybe we start on oils. So I had a class going one day, I had about twelve kids and I'd go around and help them with the oils and stuff. It's kind of tough with the oils. There was a girl there, she was about twelve years old and she was just really puzzled and disgusted, you could tell. So, I set down and I said 'Do you mind if I paint on there a little bit and show you?' she said, 'No, go ahead.' And so I mixed a little paint and dabbed it on there and tried to show her something and told her that it gave it depth. She looked at it for a little bit and she said, 'You know I respect you and I know you're a great painter but I don't like that.' You get it from them kids. That's why I'm having all the fun, getting all the accolades all these people up here are the ones been doing the work. But anyway, I want to tell you how honored I am and I'd like to have you people bring out a new law though. I would like to have you pass a law that will not let children keep you working after your ninety. I think you guys can do it. Well, I don't have too much to say only that I am just really honored to be here and

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right now probably the tax payers want me to get down off here and let you people get to some work you need to do. So, I will say thank you again.”

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced friends and family of Fred Oldfield who were seated in the gallery.

REMARKS BY THE PRESIDENT PRO TEMPORE

Senator Franklin: “While we are in a happy mood, there is someone here today, someone whom we really love and care for. That person is warm, caring and that person wields a big stick. We would like to recognize that person and there is a gentleman here who will do that.”

Mr. Job Pozos-Avila, an intern with Senator Franklin’s office: “Senadora Margarita Prentice, le queremos desear Feliz Cumpleanos.”

Senator Franklin: “Happy Birthday to Senator Margarita Prentice.”

PERSONAL PRIVILEGE

Senator Prentice: “Madam President, I rise to a point of personal privilege. Si, Senora Presidente. Lo agredesco mucho y pero tantos anos que no quiero....I’m thanking him very much and I’ve said that I’ve had so many birthdays..... After awhile you wonder if anybody’s going to notice but I do want to thank everyone of you and it’s been truly my pleasure to be here serving with you and I’m constantly amazed at how each one of us, each one of you that I’m looking at right now, brings a separate kind of skill that we blend and put together in order to serve the people of Washington. I’m just very grateful to have the opportunity to be here with you. Thank you very, very much.”

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9333, Julie McCulloch, as a member of the Board of Trustees, Peninsula Community College District No. 1, be confirmed.

Senator Marr spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator McCaslin was excused.

MOTION

On motion of Senator Regala, Senators Jacobsen and Kohl-Welles were excused.

APPOINTMENT OF JULIE MCCULLOCH

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9333, Julie McCulloch as a member of the Board of Trustees, Peninsula Community College District No. 1.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9333, Julie McCulloch as a member of the Board of Trustees, Peninsula Community College District No. 1 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Jacobsen, Kohl-Welles and McCaslin - 3
Gubernatorial Appointment No. 9333, Julie McCulloch, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Peninsula Community College District No. 1.

MOTION

On motion of Senator Eide, Senator Regala was excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9108, Rosemarie Duffy, as a member of the Board of Pharmacy, be confirmed.

Senator Marr spoke in favor of the motion.

APPOINTMENT OF ROSEMARIE DUFFY

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9108, Rosemarie Duffy as a member of the Board of Pharmacy.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9108, Rosemarie Duffy as a member of the Board of Pharmacy and the appointment was confirmed by the following vote: Yeas, 31; Nays, 15; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 31

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, Morton, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli - 15

Excused: Senators Jacobsen, McCaslin and Regala - 3
Gubernatorial Appointment No. 9108, Rosemarie Duffy, having received the constitutional majority was declared confirmed as a member of the Board of Pharmacy.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

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Senator Keiser moved that Gubernatorial Appointment No. 9122, Gary Harris, as a member of the Board of Pharmacy, be confirmed.

Senator Keiser spoke in favor of the motion.

Senator Parlette spoke on the Gubernatorial Appointment.

MOTION

On motion of Senator Sheldon, Senator Rockefeller was excused.

APPOINTMENT OF GARY HARRIS

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9122, Gary Harris as a member of the Board of Pharmacy.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9122, Gary Harris as a member of the Board of Pharmacy and the appointment was confirmed 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, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Sheldon, Shin, Spanel, Tom and Weinstein - 29

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli - 16

Excused: Senators Jacobsen, McCaslin, Regala and Rockefeller - 4

Gubernatorial Appointment No. 9122, Gary Harris, having received the constitutional majority was declared confirmed as a member of the Board of Pharmacy.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser moved that Gubernatorial Appointment No. 9259, Dan Connolly, as a member of the Board of Pharmacy, be confirmed.

Senator Keiser spoke in favor of the motion.

APPOINTMENT OF DAN CONNOLLY

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9259, Dan Connolly as a member of the Board of Pharmacy.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9259, Dan Connolly as a member of the Board of Pharmacy and the appointment was confirmed by the following vote: Yeas, 31; Nays, 14; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 31

Voting nay: Senators Brandland, Carrell, Delvin, Hewitt,

Holmquist, Honeyford, King, Morton, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli - 14

Excused: Senators Jacobsen, McCaslin, Regala and Rockefeller - 4

Gubernatorial Appointment No. 9259, Dan Connolly, having received the constitutional majority was declared confirmed as a member of the Board of Pharmacy.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Benton gave notice of his intent to move to reconsider the vote by which Gubernatorial Appointment No. 9259 was confirmed by the Senate.

MOTION

At 10:53 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 a.m. Monday, February 25, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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