

FORTY-FOURTH DAY, FEBRUARY 26, 2008

2008 REGULAR SESSION

**FORTY-FOURTH DAY****NOON SESSION**

Senate Chamber, Olympia, Tuesday, February 26, 2008

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

**MOTION**

On motion of Senator Marr, 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 22, 2008

HB 1127 Prime Sponsor, Representative Morrell: Extending military leaves for public employees. Reported by Committee on Government Operations & Elections

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

Passed to Committee on Ways & Means.

February 25, 2008

HB 1345 Prime Sponsor, Representative Wood: Prohibiting minors from participating in gambling activities. Reported by Committee on Labor, Commerce, Research & Development

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

Passed to Committee on Rules for second reading.

February 25, 2008

HB 1391 Prime Sponsor, Representative Eddy: Clarifying that councilmembers are eligible to be appointed to the office of mayor. Reported by Committee on Government Operations & Elections

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

Passed to Committee on Rules for second reading.

February 22, 2008

SHB 1421 Prime Sponsor, Committee on State Government & Tribal Affairs: Modifying address confidentiality program provisions. Reported by Committee on Government Operations & Elections

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

Passed to Committee on Rules for second reading.

February 25, 2008

2SHB 1734 Prime Sponsor, Committee on State Government & Tribal Affairs: Recodifying campaign funding and disclosure laws. Reported by Committee on Government Operations & Elections

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

Passed to Committee on Rules for second reading.

February 25, 2008

SHB 2427 Prime Sponsor, Committee on Commerce & Labor: Modifying provisions for the cosmetology apprenticeship program. Reported by Committee on Labor, Commerce, Research & Development

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

Passed to Committee on Rules for second reading.

February 25, 2008

HB 2448 Prime Sponsor, Representative Hunt: Changing the time frame covered by the twenty-one day preelection campaign finance report. Reported by Committee on Government Operations & Elections

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

Passed to Committee on Rules for second reading.

February 22, 2008

EHB 2459 Prime Sponsor, Representative Kelley: Creating the uniform real property electronic recording act. Reported by Committee on Government Operations & Elections

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

Passed to Committee on Rules for second reading.

February 25, 2008

HB 2467 Prime Sponsor, Representative Warnick: Regulating fertilizers. Reported by Committee on Agriculture & Rural Economic Development

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

Passed to Committee on Rules for second reading.

February 25, 2008

HB 2473 Prime Sponsor, Representative Hunt: Eliminating the requirement that auditors send a ballot or an application to receive a ballot to inactive voters. Reported by Committee on Government Operations & Elections

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

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Passed to Committee on Rules for second reading.

February 25, 2008

SHB 2475 Prime Sponsor, Committee on Health Care & Wellness: Regarding the scope of practice of health care assistants. 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 22, 2008

SHB 2482 Prime Sponsor, Committee on Local Government: Addressing the signature validation process for petitions that seek annexation. Reported by Committee on Government Operations & Elections

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

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

Passed to Committee on Rules for second reading.

February 22, 2008

HB 2485 Prime Sponsor, Representative Fromhold: Modifying definitions applicable to local infrastructure financing tool program demonstration projects. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

Passed to Committee on Rules for second reading.

February 22, 2008

HB 2495 Prime Sponsor, Representative Simpson: Repealing provisions addressing the sale, lease, or conveyance of municipal property in commercial areas to private parties for free public parking facilities in cities with populations over three hundred thousand. Reported by Committee on Government Operations & Elections

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

Passed to Committee on Rules for second reading.

February 25, 2008

SHB 2496 Prime Sponsor, Committee on Commerce & Labor: Enhancing the mobility of certified public accountants. Reported by Committee on Labor, Commerce, Research & Development

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

Passed to Committee on Rules for second reading.

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SHB 2501 Prime Sponsor, Committee on Commerce & Labor: Regarding malt liquor sold by beer and/or wine specialty shops. Reported by Committee on Labor, Commerce, Research & Development

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

Passed to Committee on Rules for second reading.

February 22, 2008

SHB 2567 Prime Sponsor, Committee on State Government & Tribal Affairs: Increasing the civil penalty for violating the open public meetings act. Reported by Committee on Government Operations & Elections

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

Passed to Committee on Rules for second reading.

February 25, 2008

HB 2655 Prime Sponsor, Representative Conway: Concerning the imposition of delinquency tax rates for qualified employers. Reported by Committee on Labor, Commerce, Research & Development

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

Passed to Committee on Rules for second reading.

February 25, 2008

E2SHB 2709 Prime Sponsor, Committee on Appropriations Subcommittee on Education: Authorizing school districts to establish a price preference to purchase locally grown food. (REVISED FOR ENGROSSED: Exempting purchases of Washington grown food from school district competitive bid procedures. ) Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

Passed to Committee on Agriculture & Rural Economic Development.

February 21, 2008

HB 2738 Prime Sponsor, Representative Ormsby: Creating a five-member option for civil service commissions for sheriffs' offices. Reported by Committee on Government Operations & Elections

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

Passed to Committee on Rules for second reading.

February 22, 2008

HB 2755 Prime Sponsor, Representative Kelley: Adjusting veterans' scoring criteria. Reported by Committee on Government Operations & Elections

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

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 22, 2008

SHB 3206 Prime Sponsor, Committee on Community & Economic Development & Trade: Concerning the information required to be reported in the annual economic impact report on lodging tax revenues. Reported by Committee on Economic Development, Trade & Management

February 25, 2008

HB 3088 Prime Sponsor, Representative Cody: Limiting the scope of chapter 18.260 RCW over certain dental assistant and education and training programs. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Zarelli; Kauffman; King and Shin.

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

Passed to Committee on Rules for second reading.

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

MOTION

Passed to Committee on Rules for second reading.

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

February 25, 2008

MOTION

HB 3106 Prime Sponsor, Representative Grant: Changing the name of the commission on pesticide registration to the commission on integrated pest management without changing responsibilities or authority of the commission. Reported by Committee on Agriculture & Rural Economic Development

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

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

MESSAGE FROM THE HOUSE

Passed to Committee on Rules for second reading.

February 25, 2008

MR. PRESIDENT:  
The House has passed the following bills:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2687,  
and the same is herewith transmitted.

February 25, 2008

BARBARA BAKER, Chief Clerk

2SHB 3121 Prime Sponsor, Committee on Appropriations: Implementing the recommendations of the joint legislative task force on the underground economy in the construction industry. Reported by Committee on Labor, Commerce, Research & Development

MESSAGE FROM THE HOUSE

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

February 25, 2008

MR. PRESIDENT:  
The House has passed the following bills:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2765,  
and the same is herewith transmitted.

Passed to Committee on Ways & Means.

BARBARA BAKER, Chief Clerk

February 22, 2008

MESSAGE FROM THE HOUSE

EHB 3181 Prime Sponsor, Representative Wood: Addressing the authority of the board of directors of a public facilities district. Reported by Committee on Government Operations & Elections

February 25, 2008

MR. PRESIDENT:  
The House has passed the following bills:  
SUBSTITUTE HOUSE BILL NO. 3374,  
HOUSE BILL NO. 3375,  
and the same are herewith transmitted.

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

BARBARA BAKER, Chief Clerk

Passed to Committee on Rules for second reading.

MOTION

February 22, 2008

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

HB 3200 Prime Sponsor, Representative Schmick: Establishing a cemetery district in a county. Reported by Committee on Government Operations & Elections

INTRODUCTION AND FIRST READING OF HOUSE BILLS

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

ESHB 2687 by House Committee on Appropriations (originally sponsored by Representative Sommers)

Referred to Committee on Ways & Means.

AN ACT Relating to fiscal matters; amending RCW 28B.105.110, 38.52.106, 41.45.230, 41.50.110, 43.08.190, 43.08.250, 43.330.250, 50.16.010, 67.40.025, 67.40.040, 70.96A.350, 70.105D.070, 70.105D.070, 74.08A.340, 77.32.010, 83.100.230, 90.48.390, 90.71.310, and 90.71.370; reenacting and amending RCW 70.105D.070; amending 2007 c 522 ss 101, 102, 103, 104, 105, 106, 107, 109, 110, 111, 112, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 146, 147, 148, 149, 150, 151, 152, 153, 154, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 507, 508, 509, 510, 511, 513, 514, 515, 516, 517, 519, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 701, 702, 703, 704, 705, 706, 716, 718, 719, 722, 1621, 728, 801, 805, 910, 911, 912, and 913 (uncodified); adding new sections to 2007 c 522 (uncodified); repealing 2007 c 522 s 713 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 2765 by House Committee on Capital Budget (originally sponsored by Representative Fromhold)

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.155.050, 79.64.020, 40.14.024, 36.22.175, 43.09.282, 67.40.040, 79.17.010, 43.19.501, and 43.99N.060; reenacting and amending RCW 48.02.190, 70.105D.070, and 79.17.020; amending 2007 c 520 ss 1020, 1030, 1034, 1031, 1035, 1036, 1041, 1039, 1021, 1042, 1045, 1048, 1050, 1049, 1058, 1065, 1066, 1067, 1073, 1068, 1075, 1090, 2007, 2021, 2037, 2029, 2032, 2042, 2045, 2061, 2054, 2056, 2058, 2075, 3001, 3019, 3036, 3037, 3045, 3046, 3048, 3050, 3049, 3060, 3072, 3087, 3084, 3092, 3095, 3102, 3134, 3146, 3144, 3155, 3161, 3175, 3179, 3187, 3198, 3211, 3204, 3214, 3219, 4004, 5008, 5010, 5014, 5016, 5017, 5086, 5100, 5117, 5118, 5119, 5128, 5145, 5217, 5255, 5275, 6013, 6032, and 6016 (uncodified); adding new sections to 2007 c 520 (uncodified); creating new sections; repealing 2007 c 520 s 6006 (uncodified); providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 3374 by House Committee on Capital Budget (originally sponsored by Representatives Fromhold, McDonald, VanDeWege, Alexander and DeBolt)

AN ACT Relating to state general obligation bonds for flood hazard mitigation projects and school facilities; amending RCW 39.42.060 and 28A.245.030; adding a new chapter to Title 43 RCW; adding a new chapter to Title 28A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 3375 by Representatives Alexander, Hunt, VanDeWege, DeBolt, Takko and Blake

AN ACT Relating to catastrophic flood relief; making an appropriation; and declaring an emergency.

MOTION

On motion of Senator Marr, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

MOTION

Senator Carrell moved adoption of the following resolution:

SENATE RESOLUTION 8717

By Senators Carrell, Pflug, Hargrove, Zarelli, Rasmussen, Delvin, Honeyford, Hewitt, Benton, King, McCaslin, Holmquist, Stevens, Roach, Parlette, Brandland, Swecker, Morton, Franklin, and Schoesler

WHEREAS, Kathy McEntee, who passed away January 12, 2008, was a dedicated mother of six, a resident of University Place, one of the founders of the Washington State March for Life and a tireless, visionary leader for the respect life movement in Washington state; and

WHEREAS, The McEntee family, comprised of her husband Dick McEntee and children Rich McEntee, Ann Wiegman, Paul McEntee, Aileen Carrell, Kate McEntee DeWeese, and Noreen Hobson and their spouses, shared their mother with the citizens of Washington state so that she could provide a voice for those who had none; and

WHEREAS, Kathy McEntee stood as a principled example of what hard work, perseverance, and commitment to fundamental truths and principles can accomplish; and

WHEREAS, The Washington State March for Life organization grew under Kathy McEntee's founding and continued direction into an effective advocate for the rights of the unborn, elderly, and terminally ill, and promoted a culture that respects and cherishes the uniqueness and intrinsic value of every individual life; and

WHEREAS, Kathy McEntee was a vocal and inspirational leader, not only in Olympia, but around the country; and

WHEREAS, Kathy McEntee sacrificed of herself for the betterment of Washington state and our nation; and

WHEREAS, Kathy McEntee's volunteerism and passion for a worthy cause spread over several years of meetings, speaking engagements and rallies, providing a strong example of civic leadership that others were inspired to follow; and

WHEREAS, Kathy McEntee acted on her deeply held beliefs in such a manner that she brought honor and dignity to herself and to our state, and resulted in her gaining the respect of even those who most vehemently disagreed with her on policy;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially recognize Kathy McEntee for her time and effort to represent society's weakest and most vulnerable members; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to J. Richard "Dick" McEntee and family and to the Washington State March for Life Organization.

Senators Carrell, Stevens and Rasmussen 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. 8717.

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

INTRODUCTION OF SPECIAL GUESTS

FORTY-FOURTH DAY, FEBRUARY 26, 2008

2008 REGULAR SESSION

The President Pro Tempore welcomed and introduced members of the family of Mrs. McEntee who were seated in the gallery.

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION  
8733

By Senators Kohl-Welles and Spanel

WHEREAS, The Washington state commercial fishing fleet begins leaving in March for the Pacific and Alaskan waters, and the Blessing of the Fleet will occur March 9, 2008, at Fisherman's Terminal in Ballard; and

WHEREAS, This is the eightieth year that the Ballard First Lutheran Church has held the blessing; and

WHEREAS, The Washington state commercial fishing fleet begins leaving Blaine waters in May, and the Blessing of the Fleet will occur at Saw Tooth Dock in Blaine Harbor, May 4, 2008; and

WHEREAS, The Washington state commercial fishing fleet is one of the world's largest distant water fleets; and

WHEREAS, The commercial fishing industry directly and indirectly employs thousands of people and is one of the largest industries in Washington state; and

WHEREAS, The harvest annually contributes significantly to the Washington state economy; and

WHEREAS, The life of a fisher is fraught with danger and hardship that most people will never face; and

WHEREAS, Strength and courage are requirements for anyone who chooses to work on the sea, braving the elements in order to harvest the ocean's resources; and

WHEREAS, The men and women who work on fishing boats, at times in dangerous circumstances, deserve our admiration, thanks, and, when tragedy strikes, our remembrance; and

WHEREAS, Too often fishers lose their lives, and their deaths devastate not only the close-knit community of fishing families in our region, but also our entire state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate extend its condolences to the families and friends of all our fishers who have lost their lives at sea, wish the entire commercial fishing fleet a safe and prosperous season, and express its hope that all of our fishers will return home safely to their families, friends, and communities.

Senators Kohl-Welles and Spanel 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. 8733.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION  
8734

By Senators Kohl-Welles, Keiser, Fraser, Pridemore, Prentice, Zarelli, Parlette, and Roach

WHEREAS, Colorectal cancer is the third most common cancer found in men and women in this country; and

WHEREAS, More than 145,000 Americans will be diagnosed with colorectal cancer and more than 55,000 Americans will die from colorectal cancer this year; and

WHEREAS, In Washington state, it is estimated that 3,000 people are diagnosed with colon cancer each year, and 1,000 people will die from the disease; and

WHEREAS, Colorectal cancer affects people regardless of their age, race, or sex; and

WHEREAS, Men have a slightly higher rate of colorectal cancer than women; and

WHEREAS, African-Americans have a 10 percent higher rate of colorectal cancer incidence and are 30 percent more likely to die from it than Caucasians; and

WHEREAS, The five-year survival rate is 90 percent when colorectal cancer is diagnosed at the localized stage, but the survival rate is only 10 percent when colorectal cancer is not diagnosed until the distant stage; and

WHEREAS, Screening and early detection saves lives; and

WHEREAS, Many incidences of colorectal cancer, and deaths resulting from colorectal cancer, could be prevented if more people took advantage of colorectal cancer screening; and

WHEREAS, Colorectal cancer can be prevented through early identification and removal of precancerous polyps, detectable only through screening; and

WHEREAS, Early detection is the key to survival against colorectal cancer and more than half of all colorectal cancers can be prevented by early screening; and

WHEREAS, 9 out of 10 colorectal cancer cases are diagnosed in people over the age of 50, yet less than half of all Washingtonians age 50 or older have had recommended colorectal cancer screening in the past 5 years; and

WHEREAS, Many factors contribute to the low screening rate for colorectal cancer, such as lack of public education and awareness about prevention and screening, negative attitudes about screening procedures, and the absence of symptoms;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize victims of cancer, cancer survivors, and those fighting for a cure in March, Colorectal Cancer Awareness Month, and urge Washingtonians to become more aware of the risks facing them regarding this disease and actively fight it by getting regular screenings for colorectal cancer; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the American Cancer Society.

Senator Kohl-Welles 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. 8734.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

MOTION

At 12:21 p.m., on motion of Senator Marr, the Senate adjourned until 10:00 a.m. Wednesday, February 27, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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