

**FORTY-SEVENTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Friday, February 27, 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, Kline, McAuliffe, McCaslin, Oemig and Roach.

The Sergeant at Arms Color Guard consisting of Pages Conner Martin and Miranda Sira, presented the Colors. Pastor Ken Long of Northshore Christian Church of Everett 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 sixth order of business.

**REMARKS BY THE PRESIDENT**

President Owen: "Must be a very special day for Senator Eide today, who is surrounded by beautiful flowers."

**PERSONAL PRIVILEGE**

Senator Eide: "Well, thank you for noticing. Yes, I have been married for thirty-three. It's hard to believe how fast time has gone. I am married to an absolutely wonderful man, very fortunate. Looking forward to going home for the weekend."

**REPLY BY THE PRESIDENT**

President Owen: "Believe his name is, 'Lucky Mark'."

**PERSONAL PRIVILEGE**

Senator McDermott: "Thank you. I just wanted to acknowledge that you were in fact there Mr. President. I couldn't see you earlier this morning."

**SECOND READING**

**CONFIRMATION OF GUBERNATORIAL APPOINTMENTS**

**MOTION**

Senator Marr moved that Gubernatorial Appointment No. 9067, Carol Landa-McVicker, as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17, be confirmed.

Senator Marr spoke in favor of the motion.

**MOTION**

On motion of Senator Delvin, Senators Benton, Brandland, Carrell, Hewitt, McCaslin, Parlette, Roach and Schoesler were excused.

**MOTION**

On motion of Senator Marr, Senators Brown, Kastama, McAuliffe and Oemig were excused.

**APPOINTMENT OF CAROL LANDA-MCVICKER**

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9067, Carol Landa-McVicker as a member of the Board of Trustees, Spokane and Spkane Falls Community Colleges District No. 17.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9067, Carol Landa-McVicker as a member of the Board of Trustees, Spokane and Spkane Falls Community Colleges District No. 17 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

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

Absent: Senator Kline

Excused: Senators Benton, McAuliffe, McCaslin, Oemig and Roach

Gubernatorial Appointment No. 9067, Carol Landa-McVicker, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Spokane and Spkane Falls Community Colleges District No. 17.

**SECOND READING**

**SENATE BILL NO. 5269**, by Senators Jacobsen, Swecker and Hatfield

Establishing a license limitation program for harvest and delivery of Pacific sardines into the state.

**MOTIONS**

On motion of Senator Jacobsen, Substitute Senate Bill No. 5269 was substituted for Senate Bill No. 5269 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5269 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

**MOTION**

On motion of Senator Hobbs, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5269.

**ROLL CALL**

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5269 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McDermott, Morton, Murray, Parlette,

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Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton, Kline, McAuliffe, McCaslin and Oemig

SUBSTITUTE SENATE BILL NO. 5269, 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. 5305, by Senators Schoesler, Fraser, Holmquist and Parlette

Repealing certain obsolete state retirement system statutes.

The measure was read the second time.

#### MOTION

On motion of Senator Schoesler, the rules were suspended, Senate Bill No. 5305 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 Senate Bill No. 5305.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5305 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Benton, McAuliffe, McCaslin and Oemig  
SENATE BILL NO. 5305, 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. 5060, by Senator Jacobsen

Modifying provisions relating to the use of manufactured wine or beer.

The measure was read the second time.

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5060 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Holmquist 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. 5060.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate

Bill No. 5060 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Benton, McAuliffe, McCaslin and Oemig  
SENATE BILL NO. 5060, 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. 5125, by Senators Hewitt and Kohl-Welles

Concerning the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account.

The measure was read the second time.

#### MOTION

On motion of Senator Holmquist, the rules were suspended, Senate Bill No. 5125 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist and Kohl-Welles 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. 5125.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5125 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Benton, McAuliffe, McCaslin and Oemig  
SENATE BILL NO. 5125, 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. 5171, by Senators Kline and Rockefeller

Modifying the Washington principal and income act of 2002.

#### MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5171 was substituted for Senate Bill No. 5171 and the substitute bill was placed on the second reading and read the second time.

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On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5171 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. 5171.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5171 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Benton, McAuliffe, McCaslin and Oemig  
 SUBSTITUTE SENATE BILL NO. 5171, 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. 5180, by Senators Haugen and Parlette

Permitting public transit vehicle stops at unmarked stop zones under certain circumstances.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5180 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. 5180.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5180 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Benton, McAuliffe, McCaslin and Oemig  
 SENATE BILL NO. 5180, 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 Eide: "Well, thank you Mr. President, not only is it my wedding anniversary tomorrow. We need to celebrate

Senator Pflug's birthday, we need to celebrate Senator Swecker's birthday and we also need to celebrate Senator Brown's son is turning seventeen tomorrow. I just want, and is it your birthday too Senator Schoesler? Oh, I knew it was your birthday because I gave you a little card. But tomorrow is the big day. We're talking about tomorrow with all the Senators here. Have a good day tomorrow."

MOTION

At 10:10 a.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Monday, March 2, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

5060  
 Second Reading. . . . . 2  
 Third Reading Final Passage. . . . . 2

5125  
 Second Reading. . . . . 2  
 Third Reading Final Passage. . . . . 2

5171  
 Second Reading. . . . . 2

5171-S  
 Second Reading. . . . . 2  
 Third Reading Final Passage. . . . . 3

5180  
 Second Reading. . . . . 3  
 Third Reading Final Passage. . . . . 3

5269  
 Second Reading. . . . . 1

5269-S  
 Second Reading. . . . . 1  
 Third Reading Final Passage. . . . . 2

5305  
 Second Reading. . . . . 2  
 Third Reading Final Passage. . . . . 2

9067 Carol Lands-McVicker  
 Confirmed. . . . . 1

PRESIDENT OF THE SENATE  
 Remarks by the President. . . . . 1  
 Reply by the President. . . . . 1

WASHINGTON STATE SENATE  
 Personal Privilege, Senator Eide. . . . . 1, 3  
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