

FIFTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 4, 2009

The Senate was called to order at 9:00 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 Fairley, Haugen, Kastama and Stevens.

The Sergeant at Arms Color Guard consisting of Pages Dale "DJ" Oquist and Conner Sigmon, presented the Colors. Pastor Dale Oquist of Evergreen Christian Community of Olympia 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 fourth order of business.

MESSAGE FROM THE HOUSE

March 3, 2009

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1008,
SUBSTITUTE HOUSE BILL NO. 1011,
HOUSE BILL NO. 1527,
HOUSE BILL NO. 1541,
HOUSE BILL NO. 1551,
HOUSE BILL NO. 1562,
HOUSE BILL NO. 1569,
HOUSE BILL NO. 1675,
HOUSE BILL NO. 1678,
HOUSE BILL NO. 1717,
HOUSE BILL NO. 1757,
SUBSTITUTE HOUSE BILL NO. 1831,
HOUSE BILL NO. 1888,
HOUSE BILL NO. 2185,
HOUSE BILL NO. 2199,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 3, 2009

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1022,
SECOND SUBSTITUTE HOUSE BILL NO. 1052,
SUBSTITUTE HOUSE BILL NO. 1225,
HOUSE BILL NO. 1288,
SUBSTITUTE HOUSE BILL NO. 1308,
HOUSE BILL NO. 1394,
SUBSTITUTE HOUSE BILL NO. 1397,
SUBSTITUTE HOUSE BILL NO. 1420,
SUBSTITUTE HOUSE BILL NO. 1510,
SUBSTITUTE HOUSE BILL NO. 1564,
SUBSTITUTE HOUSE BILL NO. 1816,
HOUSE BILL NO. 1844,
SUBSTITUTE HOUSE BILL NO. 2013,

SUBSTITUTE HOUSE BILL NO. 2061,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 3, 2009

MR. PRESIDENT:

The House has passed the following bills:
HOUSE BILL NO. 1080,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138,
SUBSTITUTE HOUSE BILL NO. 1215,
ENGROSSED HOUSE BILL NO. 1311,
SUBSTITUTE HOUSE BILL NO. 1319,
HOUSE BILL NO. 1361,
SUBSTITUTE HOUSE BILL NO. 1794,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 3, 2009

MR. PRESIDENT:

The House has passed the following bills:
HOUSE BILL NO. 1596,
HOUSE BILL NO. 1789,
SUBSTITUTE HOUSE BILL NO. 1825,
HOUSE BILL NO. 1826,
SUBSTITUTE HOUSE BILL NO. 1841,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6115 by Senators Benton, Carrell, Hewitt, McCaslin, Roach, Swecker, Stevens, Delvin, Honeyford, Morton, Schoesler, King, Becker, Parlette, Holmquist and Sheldon

AN ACT Relating to sex offenders; amending RCW 10.95.020, 9.94A.540, 9A.44.130, and 9A.76.050; reenacting and amending RCW 9.94A.515, 9.95.204, and 9A.44.130; adding a new section to chapter 9A.76 RCW; creating new sections; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 6116 by Senators Murray and Kohl-Welles

AN ACT Relating to excise taxes in a county with a population of one million five hundred thousand or more; amending RCW 67.28.180, 82.14.0485, 82.14.049, 82.14.0494, and 82.14.360; adding a new section to chapter 67.28 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

FIFTY-SECOND DAY, MARCH 4, 2009

2009 REGULAR SESSION

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 eighth order of business.

MOTION

Senator Fraser moved adoption of the following resolution:

SENATE RESOLUTION
NO. 8636

By Senators Fraser, Kohl-Welles, Morton, Prentice, Franklin, Haugen, Kline, Swecker, Brown, Benton, Roach, Zarelli, McCaslin, McAuliffe, Fairley, Stevens, and Hargrove

WHEREAS, Pat Durham remains highly appreciated and fondly remembered for her highly competent, energetic, and cheerful service in the Office of the Secretary of the Senate for 28 years, retiring in 1997; and

WHEREAS, Since retirement, Pat Durham has dedicated a significant portion of her energy and enthusiasm to the service work of the Ladies Auxiliary of the Fraternal Order of Eagles, becoming actively engaged in state, national, and international levels of this distinguished service organization; and

WHEREAS, Pat Durham is highly honored by having been elected the Grand Madam President of the international Ladies Auxiliary of the Fraternal Order of Eagles, which has chapters across the United States and Canada, and exemplifies the spirit of pioneering women who led the suffragist efforts to advance opportunities for women's participation in civic leadership; and

WHEREAS, The Ladies Auxiliary of the Fraternal Order of Eagles is an international nonprofit organization, united in the spirit of liberty, truth, justice, and equality, to make human life more desirable by lessening its ills, and by promoting peace, prosperity, gladness, and hope; and

WHEREAS, Pat Durham joined Olympia Auxiliary #21 of the Fraternal Order of Eagles in 1975 and, in her new role as Grand Madam President of the international Ladies Auxiliary of the Fraternal Order of Eagles, plans to increase membership and the number of auxiliaries throughout the United States and Canada; and

WHEREAS, Pat Durham's leadership skills and commitment to public and community service are well known to the legislative community, particularly in the state Senate where she served for more than a decade as docket clerk and bill status clerk, performing those highly complex, critical tasks with dedication and distinction; and

WHEREAS, Since her retirement from state service in 1997, Pat Durham has brought that same skill and dedication to her involvement in the Ladies Auxiliary of the Fraternal Order of Eagles and its many positive contributions to our community, state, and nation;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize, honor, and express its appreciation and pride to Pat Durham for her dedicated leadership and service as Grand Madam President of the international Ladies Auxiliary of the Fraternal Order of Eagles; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Pat Durham, Grand Madam President of the international Ladies Auxiliary of the Fraternal Order of Eagles, and to the international headquarters and state headquarters of the Ladies Auxiliary of the Fraternal Order of Eagles.

Senator Fraser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8636.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ms. Pat Durham, the 2008 Grand Madam President, international Ladies Auxiliary of the Fraternal Order of Eagles, who was seated at the rostrum.

PERSONAL PRIVILEGE

Senator Sheldon: "Well, thank you Mr. President. I'm reading through the rules of the Senate here. Rule 33 says, 'Any Senator may rise to a question of privilege, that question shall involve only subject matter which affects a particular senator personally and in a manner unique and peculiar to that senator.' I'd just like to explain a unique experience I had this morning. On Highway 101 at the Skokomish River just north of Purdy Creek there's a highway project that many people in my district and myself are very proud of and I had some involvement with the contractor. I had a chance to stop in there this morning because there's a lot of water trucks hauling water, dewatering an area where they are putting in gravel. And about six or seven gravel trucks, water trucks haul water from that site twenty-four hours a day. You can bring your water truck down there and have it rented by the contractor. You get ninety-five dollars an hour for your truck. You don't have to provide a driver. It costs the contractor a thousand dollars an hour for these water trucks to operate. We, the taxpayers, because the Department of Ecology requires this water to be transported off site, have spent to date two hundred thousand dollars hauling water off this site. The water after it's pumped out of the ditches where the gravel goes in goes into what they call a baker tank which takes the sediment out of the water. So it's very, very clean water but we can't put in the field but I just want to report to you my personal experience this morning knowing that you have just spent, in the last couple of weeks, two hundred thousand dollars transporting a little bit of muddy water up a hill into a pond when it could have gone on a field and could have saved the state of Washington tax payers two hundred thousand dollars but it's a personal experience and I want to report it here to you today that you are safe in the chamber of the state senate knowing that that water was safely transported away from Purdy Creek. Thank you."

MOTION

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

MOTION

On motion of Senator Brandland, Senator Stevens was excused.

MOTION

On motion of Senator Marr, Senators Fairley, Hargrove, Haugen, Kastama and Ranker were excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

FIFTY-SECOND DAY, MARCH 4, 2009

Senator Fraser moved that Gubernatorial Appointment No. 9038, Carver C. Gayton, as a member of the Board of Trustees, The Evergreen State College, be confirmed.

Senators Fraser and Franklin spoke in favor of passage of the motion.

APPOINTMENT OF CARVER C. GAYTON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9038, Carver C. Gayton as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9038, Carver C. Gayton as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Fairley, Haugen, Kastama and Stevens

Gubernatorial Appointment No. 9038, Carver C. Gayton, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9044, Kristin Hayden, as a member of the Board of Trustees, The Evergreen State College, be confirmed.

Senator Fraser spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senator Regala was excused.

APPOINTMENT OF KRISTIN HAYDEN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9044, Kristin Hayden as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9044, Kristin Hayden as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Fairley, Haugen, Kastama and Regala

Gubernatorial Appointment No. 9044, Kristin Hayden, having received the constitutional majority was declared

2009 REGULAR SESSION

confirmed as a member of the Board of Trustees, The Evergreen State College.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9088, Brittany Newhouse, as a member of the Board of Trustees, The Evergreen State College, be confirmed.

Senator Pridemore spoke in favor of the motion.

APPOINTMENT OF BRITTANY NEWHOUSE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9088, Brittany Newhouse as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9088, Brittany Newhouse as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Fairley, Kastama and Regala

Gubernatorial Appointment No. 9088, Brittany Newhouse, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9135, Paul Winters, as a member of the Board of Trustees, The Evergreen State College, be confirmed.

Senator Pridemore spoke in favor of the motion.

APPOINTMENT OF PAUL WINTERS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9135, Paul Winters as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9135, Paul Winters as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Fairley, Kastama and Regala

FIFTY-SECOND DAY, MARCH 4, 2009

Gubernatorial Appointment No. 9135, Paul Winters, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

SECOND READING

SENATE BILL NO. 5056, by Senators Brandland, Regala, Keiser and McAuliffe

Requiring health care professionals to report violent injuries. Revised for 1st Substitute: Requiring health care professionals to report patient information in cases of violent injury.

MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 5056 was substituted for Senate Bill No. 5056 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brandland, the rules were suspended, Substitute Senate Bill No. 5056 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brandland and Keiser 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. 5056.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5056 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Fairley, Kastama and Regala

SUBSTITUTE SENATE BILL NO. 5056, 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. 5151, by Senators Kline, Rockefeller and Kohl-Welles

Authorizing the appointment of court commissioners to assist with criminal cases.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5151 was substituted for Senate Bill No. 5151 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. 5151 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. 5151.

ROLL CALL

2009 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5151 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

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

Voting nay: Senators Parlette, Roach and Stevens

Excused: Senators Fairley, Kastama and Regala

SUBSTITUTE SENATE BILL NO. 5151, 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. 5504, by Senators Fraser, Honeyford, Rockefeller, Marr, Kline and Morton

Concerning reclaimed water permitting.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5504 was substituted for Senate Bill No. 5504 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. 5504 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Honeyford 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. 5504.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5504 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

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

Voting nay: Senator Holmquist

Excused: Senators Fairley, Kastama and Regala

SUBSTITUTE SENATE BILL NO. 5504, 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. 5629, by Senators Kohl-Welles, Keiser, Fairley, Kline, Marr, Prentice, Franklin, Murray, King and Brown

Concerning pregnancy prevention programs.

The measure was read the second time.

MOTION

FIFTY-SECOND DAY, MARCH 4, 2009

2009 REGULAR SESSION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5629 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Franklin spoke in favor of passage of the bill.

Senators Stevens, Swecker, Roach and Holmquist spoke against passage of the bill.

MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

MOTION

Senator Benton demanded a roll call vote.

PARLIAMENTARY INQUIRY

Senator Eide: "What exactly is the motion before us?"

The President declared the question before the Senate to be the motion by Senator Eide to demand the previous question.

The Secretary called the roll on the motion by Senator Eide and the motion carried by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

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

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

Excused: Senators Fairley and Kastama

MOTION

Senator Benton moved to table Senate Bill No. 5629 indefinitely.

Senator Eide spoke against the motion.

REMARKS BY THE PRESIDENT

President Owen: "Ladies and Gentlemen of the Senate. The motion that was made was 'Shall the previous question be put? It was: Shall the, we go and the President stated it would cut off debate but that is the effect of it, is cutting off debate. The actual motion is going to the previous question which is the final vote. So Senator Benton your motion would be out of order because you have just voted or the Senate has sustained the motion by Senator Eide to go directly to the vote. Rule 36."

PARLIAMENTARY INQUIRY

Senator Benton: "Mr. President, it is my understanding that a motion to table is a first rank motion. Is that not correct? So before the vote begins even though the motion to cut off debate was successful, there is no further debate allowed I understand that. However, before you begin the roll call on the vote, there is one other motion that would take precedent and that would be a

motion to table further consideration of the bill either to a date certain or indefinitely is the way I read Robert's Rules as well as the Senate Rules."

REPLY BY THE PRESIDENT

President Owen: "We don't go by Robert's Rules but the President will check."

PARLIAMENTARY INQUIRY

Senator Benton: "Mr. President, if it's not in Senate Rules then we do revert to Robert's Rules is my understanding."

REPLY BY THE PRESIDENT

President Owen: "We do not refer to Robert's Rules. We refer to Reed's Rules."

PARLIAMENTARY INQUIRY

Senator Benton: "I'm sorry Reed's. If it's not in the Senate Rules, we revert to Reed's. Is that correct?"

REPLY BY THE PRESIDENT

President Owen: "That is correct."

PARLIAMENTARY INQUIRY

Senator Eide: "Can we not vote down the table, that motion? Can we not vote that down? Ultimately, I demanded the previous question so I believe my motion should be..."

REPLY BY THE PRESIDENT

President Owen: "Senator Eide, the President is right now sorting out the order. Of course, he's made a motion to table and you could vote that down but the question is whether his motion is even in order and the President does not wish to, even if you could vote it down, if it's out of order the President would rather we stay by the rules and follow that and that's what we are deciding at this point."

REMARKS BY THE PRESIDENT

President Owen: "Senator Benton, ladies and gentlemen of the Senate. Senator Benton, in a sense you are right that to lay a motion on the table, it does have first rank, however, it must be made at the appropriate time and it must have been made before we actually took the vote on her motion to, which was a demand for the previous question and that was sustained which takes us directly to the vote."

PARLIAMENTARY INQUIRY

Senator Benton: "Thank you Mr. President. According to Rule 36, the Permanent Rules of the Senate, may I read from the Rules, Sir?"

REPLY BY THE PRESIDENT

President Owen: "Senator Benton."

PARLIAMENTARY INQUIRY

Senator Benton: "Thank you. The motion to open and close debate on the question and the vote shall be immediately taken

FIFTY-SECOND DAY, MARCH 4, 2009

on the question or questions pending before the Senate and all incidental questions of order arising after the motion is made shall be decided whether on appeal or other wise without debate, I read that, Mr. President, as saying that other motions may be entertained but the vote on those motions must be taken also without debate.”

REPLY BY THE PRESIDENT

President Owen: “Senator Benton, the President would not argue with you if in fact you had made your motion prior to us taking the vote but you did not make your motion prior to us taking the vote on Senator Eide’s motion. Therefore, your motion is not timely.”

The President declared the question before the Senate to be the final passage of Senate Bill No. 5629.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5629 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 0; Excused, 2.

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

Voting nay: Senators Becker, Benton, Carrell, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Roach, Schoesler, Stevens, Swecker and Zarelli

Excused: Senators Fairley and Kastama

SENATE BILL NO. 5629, 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.

STATEMENT FOR THE JOURNAL

I inadvertently voted "Aye" on Senate Bill No. 5629 which relates to pregnancy prevention programs. I voted "Aye" believing the vote to be on a procedural matter and not final passage of the bill. I wish the journal to reflect that I do not support passage of Senate Bill No. 5629.

SENATOR HARGROVE, 24th Legislative District

MOTION

On motion of Senator Eide, Senate Bill No. 5629 was immediately transmitted to the House of Representatives.

SECOND READING

SENATE BILL NO. 5725, by Senator Keiser

Concerning health benefit plan coverage for organ transplants.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5725 was substituted for Senate Bill No. 5725 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. 5725 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Pflug and Benton 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. 5725.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5725 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Fairley and Kastama

SUBSTITUTE SENATE BILL NO. 5725, 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. 5642, by Senators Kauffman, Berkey and Sheldon

Designating state route number 164 as a highway of statewide significance.

The measure was read the second time.

MOTION

On motion of Senator Kauffman, the rules were suspended, Senate Bill No. 5642 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kauffman 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. 5642.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5642 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Fairley and Kastama

SENATE BILL NO. 5642, 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. 5238, by Senators Keiser, Roach, Swecker, Fraser, McCaslin, Kohl-Welles, Honeyford, Pridemore, McDermott, Fairley, Benton and Shin

FIFTY-SECOND DAY, MARCH 4, 2009

2009 REGULAR SESSION

Authorizing the department of retirement systems to assist with mailing information to certain members of the state retirement systems.

Excused: Senators Fairley and Kastama
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5238, 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 Keiser, Substitute Senate Bill No. 5238 was substituted for Senate Bill No. 5238 and the substitute bill was placed on the second reading and read the second time.

STATEMENT FOR THE JOURNAL

I supported Engrossed Substitute Senate Bill No. 5238 and mistakenly voted against it. I intended to vote for the bill.

MOTION

Senator Schoesler moved that the following amendment by Senators Keiser and Schoesler be adopted.

SENATOR BENTON, 17TH Legislative District

MOTION

On page 1, line 14, after "organization." insert "The mailings shall not be for the purpose of supporting or opposing any political party, ballot measure, or candidate."

At 10:56 a.m., on motion of Senator Eide, the Senate was recessed until 1:30 p.m.

Senators Schoesler and Keiser spoke in favor of adoption of the amendment.

AFTERNOON SESSION

POINT OF INQUIRY

Senator Roach: "Would Senator Schoesler yield to a question? Senator Schoesler, according to the interpretation and actually the way its read, it says 'the mailing shall not be for the purpose of supporting or opposing any political party, ballot measure or candidate' which I think we can all agree that that's a good idea but whose the judge as to what might in fact support or oppose a political party ballot measure or candidate."

The Senate was called to order at 1:30 p.m. by President Owen.

MOTION

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

Senator Schoesler: "I believe that it would be the department of retirement systems who administers the list."

MESSAGE FROM THE HOUSE

March 3, 2009

Senator Roach spoke against adoption of the amendment.
 Senator Carrell spoke on the adoption of the amendment.

MR. PRESIDENT:

The House has passed the following bills:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326,
 ENGROSSED HOUSE BILL NO. 1513,
 ENGROSSED HOUSE BILL NO. 1566,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619,
 ENGROSSED HOUSE BILL NO. 1728,
 ENGROSSED HOUSE BILL NO. 1876,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2035,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5238 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

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

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5238.

ROLL CALL

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5238 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 1; Excused, 2.

MOTION

Senator Jacobsen moved that Gubernatorial Appointment No. 9018, Beverly J. Cheney, as a member of the Board of Trustees, Olympic Community College District No. 3, be confirmed.

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

Senator Jacobsen spoke in favor of the motion.

MOTION

Voting nay: Senators Benton, Carrell, Holmquist and Stevens

On motion of Senator Regala, Senators Brown, Marr and Murray were excused.

Absent: Senator Brandland

MOTION

FIFTY-SECOND DAY, MARCH 4, 2009

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

APPOINTMENT OF BEVERLY J. CHENEY

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9018, Beverly J. Cheney as a member of the Board of Trustees, Olympic Community College District No. 3.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9018, Beverly J. Cheney as a member of the Board of Trustees, Olympic Community College District No. 3 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, 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, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton and Brown

Gubernatorial Appointment No. 9018, Beverly J. Cheney, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Olympic Community College District No. 3.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9083, Andrea McNamara Doyle, as a member of the Pollution Control/Shorelines Hearings Board, be confirmed.

Senator Rockefeller spoke in favor of the motion.

APPOINTMENT OF ANDREA MCNAMARA DOYLE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9083, Andrea McNamara Doyle as a member of the Pollution Control/Shorelines Hearings Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9083, Andrea McNamara Doyle as a member of the Pollution Control/Shorelines Hearings Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

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

Absent: Senator Kohl-Welles

Excused: Senator Brown

Gubernatorial Appointment No. 9083, Andrea McNamara Doyle, having received the constitutional majority was declared confirmed as a member of the Pollution Control/Shorelines Hearings Board.

SECOND READING

SENATE BILL NO. 5414, by Senators McAuliffe, King, Oemig and McDermott

Implementing recommendations of the WASL legislative work group. Revised for 1st Substitute: Regarding statewide assessments and curricula.

MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 5414 was substituted for Senate Bill No. 5414 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe, Tom and King be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The legislature finds that a statewide student assessment system should improve and inform classroom instruction, support accountability, and provide useful information to all levels of the educational system, including students, parents, teachers, schools, school districts, and the state. The legislature intends to redesign the current statewide system, in accordance with the recommendations of the Washington assessment of student learning legislative work group, to:

(a) Include multiple assessment formats, including both formative and summative, as necessary to provide information to help improve instruction and inform accountability;

(b) Enable collection of data that allows both statewide and nationwide comparisons of student learning and achievement; and

(c) Be balanced so that the information used to make significant decisions that affect school accountability or student educational progress includes many data points and does not rely on solely the results of a single assessment.

(2) The legislature further finds that one component of the assessment system should be instructionally supportive formative assessments. The key design elements or characteristics of an instructionally supportive assessment must:

(a) Be aligned to state standards in areas that are being assessed;

(b) Measure student growth and competency at multiple points throughout the year in a manner that allows instructors to monitor student progress and have the necessary trend data with which to improve instruction;

(c) Provide rapid feedback;

(d) Link student growth with instructional elements in order to gauge the effectiveness of educators and curricula;

(e) Provide tests that are appropriate to the skill level of the student;

(f) Support instruction for students of all abilities, including highly capable students and students with learning disabilities;

(g) Be culturally, linguistically, and cognitively relevant, appropriate, and understandable to each student taking the assessment;

(h) Inform parents and draw parents into greater participation of the student's study plan;

(i) Provide a way to analyze the assessment results relative to characteristics of the student such as, but not limited to, English language learners, gender, ethnicity, poverty, age, and disabilities;

(j) Strive to be computer-based and adaptive; and

(k) Engage students in their learning.

(3) The legislature further finds that a second component of the assessment system should be a state-administered summative achievement assessment that can be used as a check on the educational system in order to guide state expectations for the instruction of children and satisfy legislative demands for

FIFTY-SECOND DAY, MARCH 4, 2009

accountability. The key design elements or characteristics of the state administered achievement assessment must:

(a) Be aligned to state standards in areas that are being assessed;

(b) Maintain and increase academic rigor;

(c) Measure student learning growth over years; and

(d) Strengthen curriculum.

(4) The legislature further finds that a third component of the assessment system should include classroom-based assessments, which may be formative, summative, or both. Depending on their use, classroom-based assessments should have the same design elements and characteristics described in this section for formative and summative assessments.

(5) The legislature further finds that to sustain a strong and viable assessment system, preservice and ongoing training should be provided for teachers and administrators on the effective use of different types of assessments.

(6) The legislature further finds that as the statewide data system is developed, data should be collected for all state-required statewide assessments to be used for accountability and to monitor overall student achievement.

(7) The superintendent of public instruction, in consultation with the state board of education, shall begin design and development of an overall assessment system that meets the principles and characteristics described in this section. In designing formative and summative assessments, the superintendent shall solicit bids for the use of computerized adaptive testing methodologies.

(8) Beginning December 1, 2009, and annually thereafter, the superintendent and state board shall jointly report to the legislature regarding the assessment system, including a cost analysis of any changes and costs to expand availability and use of instructionally supportive formative assessments.

NEW SECTION. **Sec. 2.** The superintendent of public instruction shall:

(1) Revise the number of open-ended questions and extended responses in the statewide achievement assessment in grades three through eight and ten to reduce the cost and time of administering the assessment while retaining validity and reliability of the assessment and retaining assessment of critical thinking skills. By December 1, 2009, the superintendent shall report to the legislature regarding the changes, including a cost analysis of the changes; and

(2) Revisit the alternative assessments, the appeals process, including considering authorizing local school districts to determine the outcome of an appeal by a student to demonstrate that he or she has the level of understanding of a content area assessed on the Washington assessment of student learning necessary to meet the state standard but was unable to demonstrate that understanding on the assessment or an alternative assessment, and the Washington alternative assessment system portfolios for students with the most significant cognitive disabilities. By December 1, 2009, the superintendent shall make recommendations to the legislature for improvements.

Sec. 3. RCW 28A.655.061 and 2008 c 321 s 2 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

2009 REGULAR SESSION

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or 28A.655.0611, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3)(a) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning or an objective alternative assessment shall earn a certificate of academic achievement.

(b) After a determination is made by the state board of education that the high school Washington assessment of student learning in the content areas of mathematics and science is sufficiently reliable and valid, with the exception of students satisfying the provisions of RCW 28A.155.045, students must also meet the state standards on the mathematics and science content areas of the Washington assessment of student learning or an objective alternative assessment in order to earn a certificate of academic achievement. The state board of education may make a separate determination for the mathematics and the science content areas of the assessment. The determination by the state board of education must be adopted by rule by September 1st of the freshman school year of the graduating class to which the graduation requirement under subsection (2) of this section applies. In making the determination, the state board of education shall obtain information and conclusions from recognized, independent, national assessment experts and other objective sources of expertise as the board deems necessary.

(c) Beginning no later than with the graduating class of 2013, a student must meet the state standards in science in addition to the other content areas required under this subsection on the Washington assessment of student learning or the approved objective alternative assessments in order to earn a certificate of academic achievement.

(4) If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

((4) Beginning no later than with the graduating class of 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement. The state board of education may adopt a rule that implements the requirements of this subsection (4) beginning with a graduating class before the graduating class of 2013, if the state board of education adopts the rule by September 1st of the freshman school year of the graduating class to which the requirements of this subsection (4) apply. The state board of education's authority under this subsection (4) does not alter the requirement that any change in performance standards for the tenth grade assessment must comply with RCW 28A.305.130.))

FIFTY-SECOND DAY, MARCH 4, 2009

2009 REGULAR SESSION

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the ~~((scholastic assessment test))~~ SAT~~((t))~~ or the ~~((American college test))~~ ACT~~((t))~~ may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) Until August 31, 2008, a student's score on the mathematics portion of the ~~((preliminary scholastic assessment test))~~ PSAT~~((t))~~ may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standard for the certificate of academic achievement. The state board of education shall identify the score students must achieve on the mathematics portion of the PSAT to meet or exceed the state standard in that content area on the Washington assessment of student learning.

(iii) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the

score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the Washington assessment of student learning. A score of three on the AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the Washington assessment of student learning. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the Washington assessment of student learning.

~~((11))~~ ~~((By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.~~

~~((12))~~ To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection ~~((12))~~ (11).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

(i) The student's results on the Washington assessment of student learning;

(ii) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;

(iii) Any credit deficiencies;

(iv) The student's attendance rates over the previous two years;

(v) The student's progress toward meeting state and local graduation requirements;

(vi) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;

(vii) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;

(viii) The alternative assessment options available to students under this section and RCW 28A.655.065;

(ix) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and

(x) Available programs offered through skill centers or community and technical colleges.

(b) All fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of the student shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any

FIFTY-SECOND DAY, MARCH 4, 2009

2009 REGULAR SESSION

content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

Sec. 4. RCW 28A.655.066 and 2008 c 163 s 3 are each amended to read as follows:

(1) In consultation with the state board of education, the superintendent of public instruction shall develop statewide end-of-course assessments for high school mathematics that measure student achievement of the state mathematics standards. The superintendent shall take steps to ensure that the language of the assessments is responsive to a diverse student population. The superintendent shall develop end-of-course assessments in algebra I, geometry, integrated mathematics I, and integrated mathematics II ~~((The superintendent shall make the algebra I and integrated mathematics I end-of-course assessments available to school districts on an optional basis in the 2009-10 school year. The end-of-course assessments in algebra I, geometry, integrated mathematics I, and integrated mathematics II))~~ and the assessments shall be implemented statewide in the 2010-11 school year.

(2) For the graduating ~~((class of 2013))~~ 2014 classes of 2013 and for purposes of the certificate of academic achievement under RCW 28A.655.061, a student may use: (a) Results from the algebra I end-of-course assessment plus the geometry end-of-course assessment ~~((or))~~; (b) results from the integrated mathematics I end-of-course assessment plus the integrated mathematics II end-of-course assessment ~~((may be used))~~; or (c) results of the comprehensive mathematics assessment to demonstrate that a student meets the state standard on the mathematics content area of the high school Washington assessment of student learning.

(3) Beginning with the graduating class of ~~((2014))~~ 2015 and for purposes of the certificate of academic achievement under RCW 28A.655.061, the mathematics content area of the Washington assessment of student learning shall be assessed using either the algebra I end-of-course assessment plus the geometry end-of-course assessment or the integrated mathematics I end-of-course assessment plus the integrated mathematics II end-of-course assessment. All of the objective alternative assessments available to students under RCW 28A.655.061 and 28A.655.065 shall be available to any student who has taken the sequence of end-of-course assessments once but does not meet the state mathematics standard on the sequence of end-of-course assessments.

(4) The superintendent of public instruction shall report at least annually or more often if necessary to keep the education committees of the legislature informed on each step of the development and implementation process under this section.

NEW SECTION. Sec. 5. (1) The office of the superintendent of public instruction, in consultation with the state board of education and the professional educator standards board, shall develop an implementation plan and strategies to ensure that all students have the opportunity to learn the new science standards. The plan must include the following components:

(a) Strategies to help districts improve their alignment of curriculum and teacher instruction to the new standards;

(b) Development of instructional models to help teachers; and

(c) Identification of effective intervention programs and strategies for struggling students.

(2) The office of the superintendent of public instruction, in consultation with the state board of education, shall also determine whether to use a comprehensive assessment or end-of-course assessments, including the costs for developing and implementing these assessments, for the high school assessment

for students to demonstrate that they have achieved proficiency on the state's science standards.

(3) The office of the superintendent of public instruction shall report to the governor and legislature by December 1, 2009, on the implementation plan and the recommended method of assessment for science.

Sec. 6. RCW 28A.305.215 and 2008 c 274 s 2 and 2008 c 172 s 2 are each reenacted and amended to read as follows:

(1) The activities in this section revise and strengthen the state learning standards that implement the goals of RCW 28A.150.210, known as the essential academic learning requirements, and improve alignment of school district curriculum to the standards.

(2) The state board of education shall be assisted in its work under subsections (3), (4), and (5) of this section by: (a) An expert national consultant in each of mathematics and science retained by the state board; and (b) the mathematics and science advisory panels created under RCW 28A.305.219, as appropriate, which shall provide review and formal comment on proposed recommendations to the superintendent of public instruction and the state board of education on new revised standards and curricula.

(3) By September 30, 2007, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in mathematics. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of:

(i) Standards used in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment;

(ii) College readiness standards;

(iii) The national council of teachers of mathematics focal points and the national assessment of educational progress content frameworks; and

(iv) Standards used by three to five other states, including California, and the nation of Singapore; and

(c) Consideration of information presented during public comment periods.

(4)(a) By February 29, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for mathematics and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4).

(b) The state board of education shall direct an expert national consultant in mathematics to:

(i) Analyze the February 2008 version of the revised standards, including a comparison to exemplar standards previously reviewed under this section;

(ii) Recommend specific language and content changes needed to finalize the revised standards; and

(iii) Present findings and recommendations in a draft report to the state board of education.

(c) By May 15, 2008, the state board of education shall review the consultant's draft report, consult the mathematics advisory panel, hold a public hearing to receive comment, and direct any subsequent modifications to the consultant's report. After the modifications are made, the state board of education shall forward the final report and recommendations to the superintendent of public instruction for implementation.

(d) By July 1, 2008, the superintendent of public instruction shall revise the mathematics standards to conform precisely to and incorporate each of the recommendations of the state board of education under ~~((subsection (4))~~(c) of this ~~((section))~~

FIFTY-SECOND DAY, MARCH 4, 2009

2009 REGULAR SESSION

subsection and submit the revisions to the state board of education.

(e) By July 31, 2008, the state board of education shall either approve adoption by the superintendent of public instruction of the final revised standards as the essential academic learning requirements and grade level expectations for mathematics, or develop a plan for ensuring that the recommendations under ~~((subsection (4))~~(c) of this ~~((section))~~ subsection are implemented so that final revised mathematics standards can be adopted by September 25, 2008.

(5) By June 30, 2008, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in science. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of standards used by three to five other states and in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment; and

(c) Consideration of information presented during public comment periods.

(6) By December 1, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for science and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4). The superintendent shall adopt the revised essential academic learning requirements and grade level expectations unless otherwise directed by the legislature during the 2009 legislative session.

(7)(a) Within six months after the standards under subsection (4) of this section are adopted, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic mathematics curricula each for elementary, middle, and high school grade spans.

(b) Within two months after the presentation of the recommended curricula, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended mathematics curricula. The superintendent of public instruction shall make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(c) By ~~((May 15))~~ June 30, 2009, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic science curricula each for elementary~~((:))~~ and middle~~((-and high))~~ school grade spans and not more than three recommendations for each of the major high school courses within the following science domains: Earth and space science, physical science, and life science.

(d) ~~((By June 30, 2009))~~ Within two months after the presentation of the recommended curricula, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended science curricula. The superintendent of public instruction shall make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(e) In selecting the recommended curricula under this subsection (7), the superintendent of public instruction shall provide information to the mathematics and science advisory panels created under RCW 28A.305.219, as appropriate, and seek the advice of the appropriate panel regarding the curricula

that shall be included in the recommendations.

(f) The recommended curricula under this subsection (7) shall align with the revised essential academic learning requirements and grade level expectations. In addition to the recommended basic curricula, appropriate diagnostic and supplemental materials shall be identified as necessary to support each curricula.

(g) Subject to funds appropriated for this purpose and availability of the curricula, at least one of the curricula in each grade span and in each of mathematics and science shall be available to schools and parents online at no cost to the school or parent.

(8) By December 1, 2007, the state board of education shall revise the high school graduation requirements under RCW 28A.230.090 to include a minimum of three credits of mathematics, one of which may be a career and technical course equivalent in mathematics, and prescribe the mathematics content in the three required credits.

(9) Nothing in this section requires a school district to use one of the recommended curricula under subsection (7) of this section. However, the statewide accountability plan adopted by the state board of education under RCW 28A.305.130 shall recommend conditions under which school districts should be required to use one of the recommended curricula. The plan shall also describe the conditions for exception to the curriculum requirement, such as the use of integrated academic and career and technical education curriculum. Required use of the recommended curricula as an intervention strategy must be authorized by the legislature as required by RCW 28A.305.130(4)(e) before implementation.

(10) The superintendent of public instruction shall conduct a comprehensive survey of the mathematics curricula being used by school districts at all grade levels and the textbook and curriculum purchasing cycle of the districts and report the results of the survey to the education committees of the legislature by November 15, 2008.

NEW SECTION. Sec. 7. Section 6 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators McAuliffe and King spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe, Tom and King to Substitute Senate Bill No. 5414.

MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

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

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "curricula;" strike the remainder of the title and insert "amending RCW 28A.655.061 and 28A.655.066; reenacting and amending RCW 28A.305.215; adding a new section to chapter 28A.300 RCW; creating new sections; and declaring an emergency."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 5414 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

FIFTY-SECOND DAY, MARCH 4, 2009

2009 REGULAR SESSION

Senators McAuliffe and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5414.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5414 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, 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, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senator Regala

Excused: Senator Zarelli

ENGROSSED SUBSTITUTE SENATE BILL NO. 5414, 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. 5548, by Senators Haugen, Jarrett, Fraser and Shin

Requiring project improvements, including public transportation infrastructure improvements, to be credited against the imposition of impact fees.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5548 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker 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. 5548.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5548 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, 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, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SENATE BILL NO. 5548, 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. 5974, by Senators Morton, Hatfield, Swecker, Marr and Shin

Regarding live nonambulatory livestock.

The measure was read the second time.

MOTION

On motion of Senator Morton, the rules were suspended, Senate Bill No. 5974 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton 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. 5974.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5974 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, 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, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SENATE BILL NO. 5974, 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 Brandland, Senator Zarelli was excused.

MOTION

On motion of Senator Marr, Senator Franklin was excused.

SECOND READING

SENATE BILL NO. 5007, by Senators McAuliffe, King, Oemig, Holmquist, McDermott, Kauffman, Pridemore, Kilmer, Hobbs, Tom, Brandland, Swecker, Shin, Franklin, Parlette and Roach

Allowing public technical colleges to offer associate transfer degrees. Revised for 1st Substitute: Allowing public technical colleges to offer degrees that prepare students to transfer to certain bachelor degree programs.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5007 was substituted for Senate Bill No. 5007 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5007 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer 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. 5007.

ROLL CALL

The Secretary called the roll on the final passage of

FIFTY-SECOND DAY, MARCH 4, 2009

Substitute Senate Bill No. 5007 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, 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, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senator Zarelli

SUBSTITUTE SENATE BILL NO. 5007, 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. 5320, by Senators Murray, Kohl-Welles and Shin

Modifying the name of and titles within the acupuncture profession.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 5320 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Shin spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Stevens was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5320.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5320 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, 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, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senator Schoesler

Excused: Senator Stevens

SENATE BILL NO. 5320, 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. 5574, by Senators Kauffman, Kline, Tom, Hargrove, Oemig, Regala, Fairley, McAuliffe, McDermott, Fraser, Shin, Keiser and Kohl-Welles

Protecting consumer data in motor vehicles.

MOTIONS

On motion of Senator Kauffman, Substitute Senate Bill No. 5574 was substituted for Senate Bill No. 5574 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kauffman, the rules were suspended, Substitute Senate Bill No. 5574 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kauffman spoke in favor of passage of the bill.

Senator Holmquist spoke against passage of the bill.

MOTION

On motion of Senator Marr, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5574.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5574 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin and Tom

Voting nay: Senators Becker, Carrell, Delvin, Hatfield, Holmquist, Honeyford, King, Parlette, Schoesler, Swecker and Zarelli

Excused: Senators Kline and Stevens

SUBSTITUTE SENATE BILL NO. 5574, 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. 5901, by Senator Kastama

Modifying provisions of the local infrastructure financing tool program.

MOTION

On motion of Senator Kastama, Substitute Senate Bill No. 5901 was substituted for Senate Bill No. 5901 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kastama moved that the following amendment by Senators Kastama and McCaslin be adopted.

On page 20, line 7, after "revenues", insert "and state property tax allocation revenues"

Senator Kastama spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kastama and McCaslin on page 20, line 7 to Substitute Senate Bill No. 5901.

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

MOTION

FIFTY-SECOND DAY, MARCH 4, 2009

2009 REGULAR SESSION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 5901 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5901.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5901 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, 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, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Excused: Senators Kline and Stevens

ENGROSSED SUBSTITUTE SENATE BILL NO. 5901, 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. 5045, by Senators Kilmer, Zarelli, Brown, Kauffman, Shin, Marr, King, Regala, Rockefeller, Haugen, Berkey, Eide, Kastama, Jarrett, Pridemore, McAuliffe and Ranker

Promoting economic development and community revitalization. Revised for 2nd Substitute: Regarding community revitalization financing.

MOTIONS

On motion of Senator Kilmer, Second Substitute Senate Bill No. 5045 was substituted for Senate Bill No. 5045 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Second Substitute Senate Bill No. 5045 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer, Zarelli, Brown and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5045.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5045 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, 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, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Kline

SECOND SUBSTITUTE SENATE BILL NO. 5045, 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. 5026, by Senators Regala and Brandland

Expanding provisions relating to the collection of biological samples for DNA identification analysis. Revised for 1st Substitute: Regarding the collection of biological samples for DNA identification analysis from individuals whose convictions are the result of a plea agreement.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5026 was substituted for Senate Bill No. 5026 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5026 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Brandland 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. 5026.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5026 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

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

Voting nay: Senators Franklin, Kauffman, McDermott, Murray, Oemig and Prentice

SUBSTITUTE SENATE BILL NO. 5026, 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. 5510, by Senators Stevens, Hargrove, Swecker and Shin

Regarding notification in dependency matters.

MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 5510 was substituted for Senate Bill No. 5510 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Stevens, the rules were suspended, Substitute Senate Bill No. 5510 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stevens and Regala 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. 5510.

FIFTY-SECOND DAY, MARCH 4, 2009
ROLL CALL

2009 REGULAR SESSION

SHB 2061 by House Committee on Financial Institutions
& Insurance (originally sponsored by Representative Kirby)

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5510 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Becker, Benton, 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, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE SENATE BILL NO. 5510, 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 Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 4, 2009

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1166,

ENGROSSED HOUSE BILL NO. 1824,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1978,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

SUPPLEMENTAL INTRODUCTION AND FIRST READING

ESHB 1978 by House Committee on Transportation (originally sponsored by Representatives Clibborn, Liias and White)

AN ACT Relating to economic stimulus transportation funding and appropriations; amending RCW 46.68.065, 46.68.220, and 47.60.645; amending 2008 c 121 ss 103, 201, 202, 203, 205, 206, 208, 209, 210, 211, 212, 213, 214, 215, 216, 218, 219, 221, 222, 223, 224, 225, 302, 303, 305, 306, 307, 308, 309, 310, 311, 401, 402, 403, 404, 405, 406, 407, and 605 (uncodified); adding a new section to chapter 46.68 RCW; adding new sections to 2007 c 518 (uncodified); creating new sections; repealing 2008 c 121 s 604 and 2007 c 518 s 713 (uncodified); repealing 2007 c 518 s 108 (uncodified); making appropriations and authorizing capital improvements; and declaring an emergency.

MOTION

On motion of Senator Eide, the rules were suspended and t Engrossed Substitute House Bill No. 1978 was placed on the second reading calendar.

SECOND SUPPLEMENTAL AND FIRST READING

AN ACT Relating to the modernization and clarification of the powers of the public deposit protection commission in regard to banks, savings banks, and savings associations as public depositaries; amending RCW 39.58.010, 39.58.040, 39.58.050, 39.58.060, 39.58.100, 39.58.103, 39.58.105, 39.58.108, 39.58.130, 39.58.135, 39.58.140, and 39.58.750; adding new sections to chapter 39.58 RCW; adding a new section to chapter 43.08 RCW; creating a new section; repealing RCW 39.58.065; and declaring an emergency.

MOTION

On motion of Senator Eide, the rules were suspended and Substitute House Bill No. 2061 was placed on the second reading calendar.

MOTION

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

SECOND READING

SENATE BILL NO. 5768, by Senators Murray, Jarrett, Swecker, Haugen and Kohl-Welles

Concerning the state route number 99 Alaskan Way viaduct replacement project.

MOTION

On motion of Senator Murray, Substitute Senate Bill No. 5768 was substituted for Senate Bill No. 5768 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 2, line 20, after "with", insert "city"

On page 2, line 24, after "for", insert "any utility relocation costs, or for"

Senator Murray 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 Murray on page 2, line 20 to Substitute Senate Bill No. 5768.

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

MOTION

On motion of Senator Murray, the rules were suspended, Engrossed Substitute Senate Bill No. 5768 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray, Swecker, Pflug, King, Haugen and Kohl-Welles spoke in favor of passage of the bill.

Senator Hargrove spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5768.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5768 and the bill passed

FIFTY-SECOND DAY, MARCH 4, 2009

the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

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

Voting nay: Senators Benton, Carrell, Hargrove, Kilmer, Regala and Schoesler

ENGROSSED SUBSTITUTE SENATE BILL NO. 5768, 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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1978, by House Committee on Transportation (originally sponsored by Representatives Clibborn, Liias and White)

Concerning economic stimulus transportation funding and appropriations.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 1978 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen, Swecker, King, Marr, Franklin, Zarelli and Honeyford spoke in favor of passage of the bill.

Senator Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1978.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1978 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, 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, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators McCaslin, Pflug, Roach and Schoesler

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1978, 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 3:42 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 3:53 p.m. by President Owen.

SECOND READING

2009 REGULAR SESSION

SUBSTITUTE HOUSE BILL NO. 2061, by House Committee on Financial Institutions & Insurance (originally sponsored by Representative Kirby)

Concerning the powers of the public deposit protection commission in regard to banks, savings banks, and savings associations as public depositories.

The measure was read the second time.

MOTION

On motion of Senator Berkey, the rules were suspended, Substitute House Bill No. 2061 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2061.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2061 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, 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, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

SUBSTITUTE HOUSE BILL NO. 2061, 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. 5263, by Senators Hargrove, Brandland and Tom

Prohibiting devices in schools that are designed to administer to a person or an animal an electric shock, charge, or impulse.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 5263 was substituted for Senate Bill No. 5263 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove, Kline and McCaslin be adopted.

On page 2, line 5, after "as a" strike all material through "including" and insert "stun gun, including"

Senator Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Kline and McCaslin on page 2, line 5 to Substitute Senate Bill No. 5263.

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

MOTION

FIFTY-SECOND DAY, MARCH 4, 2009

2009 REGULAR SESSION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5263 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5263.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5263 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, 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, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senator Brown

ENGROSSED SUBSTITUTE SENATE BILL NO. 5263, 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. 5346, by Senators Keiser, Franklin, Marr, Parlette, Murray and Kohl-Welles

Concerning administrative procedures for payors and providers of health care services.

MOTIONS

On motion of Senator Keiser, Second Substitute Senate Bill No. 5346 was substituted for Senate Bill No. 5346 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Second Substitute Senate Bill No. 5346 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5346.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5346 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, 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, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

SECOND SUBSTITUTE SENATE BILL NO. 5346, 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. 5909, by Senators Murray, Kohl-Welles and Zarelli

Clarifying that multiple qualified buildings are eligible for the high technology retail sales and use tax deferral.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 5909 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. 5909.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5909 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

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

Absent: Senator Oemig

Excused: Senator Brown

SENATE BILL NO. 5909, 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 Eide, the vote by which Substitute Senate Bill No. 5011 passed the Senate was immediately reconsidered.

MOTION

On motion of Senator Eide, the rules were suspended and Substitute Senate Bill No. 5011 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5011, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kauffman, Kohl-Welles, Kline and Keiser)

Prohibiting the sale or distribution of certain novelty lighters.

The measure was read the second time.

MOTION

FIFTY-SECOND DAY, MARCH 4, 2009

2009 REGULAR SESSION

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

On page 3, beginning on line 3, strike all of subsection (a) Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 3, beginning on line 7, after "consumers," strike all material through "day." on line 8 and insert "a written warning for the first violation and a monetary penalty of five hundred dollars for each subsequent violation."

On page 3, line 10, after "consumers" strike all material through "day." and insert "a written warning for the first violation and a monetary penalty of two hundred fifty dollars for each subsequent violation."

Senators Kauffman and Roach spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kauffman and Roach on page 3, line 3 to Substitute Senate Bill No. 5011.

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

MOTION

On motion of Senator Kauffman, the rules were suspended, Engrossed Substitute Senate Bill No. 5011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5011.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5011 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators McDermott and Zarelli

Excused: Senator Brown

ENGROSSED SUBSTITUTE SENATE BILL NO. 5011, 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. 5031, by Senators Fairley, Hobbs, Swecker, Shin, Sheldon, Berkey, Haugen, Hatfield and McAuliffe

Concerning rental or lease of armories.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5031 was advanced to third reading, the second

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

Senator Fairley 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. 5031.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5031 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, 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, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

SENATE BILL NO. 5031, 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 Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 4, 2009

MR. PRESIDENT:

The Speaker has signed the following: ENGROSSED SUBSTITUTE HOUSE BILL NO. 1978, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed: ENGROSSED SUBSTITUTE HOUSE BILL NO. 1978,

MOTION

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

SECOND READING

SENATE BILL NO. 5315, by Senators Schoesler, Hobbs, Holmquist, Honeyford and Fraser

Extending the survivor annuity option for preretirement death in plan 1 of the public employees' retirement system to members who die after leaving active service.

The measure was read the second time.

MOTION

On motion of Senator Schoesler, the rules were suspended, Senate Bill No. 5315 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.

FIFTY-SECOND DAY, MARCH 4, 2009

The President declared the question before the Senate to be the final passage of Senate Bill No. 5315.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5315 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, 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, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

SENATE BILL NO. 5315, 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. 5832, by Senators Kohl-Welles, Stevens and Marr

Allowing the prosecution of sex offenses against minor victims until the victim's twenty-eighth birthday if the offense is listed in RCW 9A.04.080(1) (b)(iii)(A) or (c).

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5832 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.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5832.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5832 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, 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, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

SENATE BILL NO. 5832, 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. 5881, by Senators McAuliffe, Hargrove, Regala, Jarrett and King

Changing provisions involving truancy.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5881 was substituted for Senate Bill No. 5881 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5881 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Stevens 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. 5881.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5881 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, 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, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

SUBSTITUTE SENATE BILL NO. 5881, 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. 6036, by Senators Fraser, Ranker and Shin

Concerning water cleanup planning and implementation.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6036 was substituted for Senate Bill No. 6036 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. 6036 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Honeyford 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. 6036.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6036 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, 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, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Brown

SUBSTITUTE SENATE BILL NO. 6036, having received the constitutional majority, was declared passed. There being no

FIFTY-SECOND DAY, MARCH 4, 2009

2009 REGULAR SESSION

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5613, by Senators Kohl-Welles, Keiser, Franklin, Kline, McDermott, Tom and Fraser

Authorizing the department of labor and industries to issue stop work orders for violations of certain workers' compensation provisions.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5613 was substituted for Senate Bill No. 5613 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. 5613 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Keiser and Jacobsen spoke in favor of passage of the bill.

Senators Honeyford, Zarelli, Sheldon and Becker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5613.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5613 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

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

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

Excused: Senator Brown

SUBSTITUTE SENATE BILL NO. 5613, 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 5:14 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Thursday, March 5, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

1008-S	
Messages	1
1011-S	
Messages	1
1018-S	
Messages	7
1022-S	
Messages	1
1052-S2	
Messages	1

1080	Messages.	1	1844	Messages.	1
1138-S	Messages.	1	1876	Messages.	7
1166	Messages.	16	1888	Messages.	1
1215-S	Messages.	1	1956-S	Messages.	7
1225-S	Messages.	1	1978-S	Introduction & 1st Reading.	16
1288	Messages.	1		Messages.	16
1308-S	Messages.	1		Other Action.	16
1311	Messages.	1		President Signed.	19
1319-S	Messages.	1		Second Reading.	17
1326-S	Messages.	7		Speaker Signed.	19
1361	Messages.	1		Third Reading Final Passage.	17
1394	Messages.	1	2013-S	Messages.	1
1397-S	Messages.	1	2035-S	Messages.	7
1420-S	Messages.	1	2061-S	Introduction & 1st Reading.	16
1510-S	Messages.	1		Messages.	1
1513	Messages.	7		Other Action.	16
1527	Messages.	1		Second Reading.	17
1541	Messages.	1		Third Reading Final Passage.	17
1551	Messages.	1	2185	Messages.	1
1562	Messages.	1	2199	Messages.	1
1564-S	Messages.	1	5007	Second Reading.	13
1566	Messages.	7	5007-S	Second Reading.	13
1569	Messages.	1		Third Reading Final Passage.	14
1596	Messages.	1	5011-S	Other Action.	18
1619-S	Messages.	7		Second Reading.	18, 19
1675	Messages.	1		Third Reading Final Passage.	19
1678	Messages.	1	5026	Second Reading.	15
1717	Messages.	1	5026-S	Second Reading.	15
1728	Messages.	7		Third Reading Final Passage.	15
1757	Messages.	1	5031	Second Reading.	19
1789	Messages.	1		Third Reading Final Passage.	19
1794-S	Messages.	1	5045	Second Reading.	15
1816-S	Messages.	1	5045-S2	Second Reading.	15
1824	Messages.	16		Third Reading Final Passage.	15
1825-S	Messages.	1	5056	Second Reading.	4
1826	Messages.	1	5056-S	Second Reading.	4
1831-S	Messages.	1		Third Reading Final Passage.	4
1841-S	Messages.	1	5151	Second Reading.	4
			5151-S	Second Reading.	4
				Third Reading Final Passage.	4
			5238	Second Reading.	6
			5238-S	Second Reading.	7
				Third Reading Final Passage.	7
			5263	Second Reading.	17
			5263-S	Second Reading.	17
				Third Reading Final Passage.	18
			5315	Second Reading.	19

FIFTY-SECOND DAY, MARCH 4, 2009

2009 REGULAR SESSION

5320 Third Reading Final Passage. 20

5346 Second Reading. 18

5346-S2 Third Reading Final Passage. 18

5414 Second Reading. 8

5414-S Other Action. 12

5414-S Second Reading. 8

5414-S Third Reading Final Passage. 13

5504 Second Reading. 4

5504-S Second Reading. 4

5504-S Third Reading Final Passage. 4

5510 Second Reading. 15

5510-S Second Reading. 15

5510-S Third Reading Final Passage. 16

5548 Second Reading. 13

5548 Third Reading Final Passage. 13

5574 Second Reading. 14

5574-S Second Reading. 14

5574-S Third Reading Final Passage. 14

5613 Second Reading. 21

5613-S Second Reading. 21

5613-S Third Reading Final Passage. 21

5629 Second Reading. 4

5629 Third Reading Final Passage. 6

5642 Second Reading. 6

5642 Third Reading Final Passage. 6

5725 Second Reading. 6

5725-S Second Reading. 6

5725-S Third Reading Final Passage. 6

5768 Second Reading. 16

5768-S Second Reading. 16

5768-S Third Reading Final Passage. 17

5832 Second Reading. 20

5832 Third Reading Final Passage. 20

5881 Second Reading. 20

5881-S Second Reading. 20

5881-S Third Reading Final Passage. 20

5901 Second Reading. 14

5901-S Second Reading. 14

5901-S Third Reading Final Passage. 15

5909 Second Reading. 18

5909 Third Reading Final Passage. 18

5974 Second Reading. 13

5974 Third Reading Final Passage. 13

6036 Second Reading. 20

6036-S Second Reading. 20

6036-S Third Reading Final Passage. 20

6115 Introduction & 1st Reading. 1

6116 Introduction & 1st Reading. 1

8636 Adopted. 2

8636 Introduced. 2

9018 Beverly J. Cheney Confirmed. 7

9038 Carver C. Gayton Confirmed. 3

9044 Kristin Hayden Confirmed. 3

9083 Andrea McNamara Doyle Confirmed. 8

9088 Brittany Newhouse Confirmed. 3

9135 Paul Winters Confirmed. 3

PRESIDENT OF THE SENATE

Intro. Special Guests, Pat Durham. 2

Remarks by the President. 5

Reply by the President. 5, 6

WASHINGTON STATE SENATE

Parliamentary Inquiry, Senator Benton 5

Parliamentary Inquiry, Senator Eide 5

Personal Privilege, Senator Sheldon. 2

Point of Inquiry, Senator Roach. 7

Statement for the Journal, Senator Benton. 7

Statement for the Journal, Senator Hargrove. 6