

FIFTY SIXTH DAY

NOON SESSION

Senate Chamber, Olympia, Sunday, March 7, 2010

The Senate was called to order at 12:00 noon, by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Holmquist, McCaslin and Pflug.

The Sergeant at Arms Color Guard consisting of Senate Interns Victor Kim and Sheryl McCrary, presented the Colors. Senator Shin offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

March 5, 2010

SB 6578 Prime Sponsor, Senator Swecker: Creating an optional multiagency permitting team. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6578 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hewitt; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Murray; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

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

MESSAGE FROM THE HOUSE

March 6, 2010

MR. PRESIDENT:
The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

- ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1149,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1317,
- ENGROSSED SUBSTITUTE HOUSE BILL 1714,

ENGROSSED SUBSTITUTE HOUSE BILL 1956,
SECOND SUBSTITUTE HOUSE BILL 2016,
HOUSE BILL 2460,
SUBSTITUTE HOUSE BILL 2466,
SECOND SUBSTITUTE HOUSE BILL 2481
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2010

MR. PRESIDENT:
The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

- SUBSTITUTE HOUSE BILL 1679,
- SUBSTITUTE HOUSE BILL 2533,
- SECOND SUBSTITUTE HOUSE BILL 2603,
- ENGROSSED SUBSTITUTE HOUSE BILL 2747,
- SUBSTITUTE HOUSE BILL 2775,
- SUBSTITUTE HOUSE BILL 2801,
- ENGROSSED HOUSE BILL 2805,
- ENGROSSED SUBSTITUTE HOUSE BILL 3040
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2010

MR. PRESIDENT:
The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

- HOUSE BILL 1966,
- SUBSTITUTE HOUSE BILL 2402,
- SUBSTITUTE HOUSE BILL 2420,
- ENGROSSED SUBSTITUTE HOUSE BILL 2464,
- SUBSTITUTE HOUSE BILL 2503,
- ENGROSSED SUBSTITUTE HOUSE BILL 2538,
- SUBSTITUTE HOUSE BILL 2657,
- HOUSE BILL 2734
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2010

MR. PRESIDENT:
The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

- SUBSTITUTE HOUSE BILL 2527,
- SUBSTITUTE HOUSE BILL 2533,
- ENGROSSED SUBSTITUTE HOUSE BILL 2541,
- SECOND SUBSTITUTE HOUSE BILL 2551,
- SUBSTITUTE HOUSE BILL 2593,
- SECOND SUBSTITUTE HOUSE BILL 2603,
- HOUSE BILL 2621,
- SUBSTITUTE HOUSE BILL 2686,
- ENGROSSED SUBSTITUTE HOUSE BILL 2747,
- ENGROSSED SUBSTITUTE HOUSE BILL 2752,

ENGROSSED SUBSTITUTE HOUSE BILL 2777,
 SUBSTITUTE HOUSE BILL 2841,
 ENGROSSED SUBSTITUTE HOUSE BILL 2986,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL
 3141
 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.

INTRODUCTION AND FIRST READING

ESHB 3209 by House Committee on Transportation (originally sponsored by Representatives Clibborn, Rolfes, Seaquist and Morris)

AN ACT Relating to managing costs of the ferry system; amending RCW 47.60.355, 47.60.365, 47.60.375, 47.60.385, 47.28.030, 47.64.120, 47.64.170, 47.64.200, 47.64.270, 47.64.280, 47.64.320, and 41.80.020; amending 2010 c . . . (ESSB 6381) ss 222 and 306 (uncodified); adding new sections to chapter 47.60 RCW; creating new sections; repealing RCW 47.61.010, 47.61.020, 47.61.030, 47.61.040, 47.61.050, 47.61.060, 47.61.070, 47.61.080, 47.61.090, 47.61.100, 47.61.110, 47.60.395, 47.60.649, 47.60.652, 47.60.654, 47.60.658, 47.60.770, 47.60.772, 47.60.774, 47.60.776, 47.60.778, 47.60.780, and 47.64.220; providing contingent effective dates; providing expiration dates; and declaring an emergency.

MOTION

On motion of Senator Eide, under suspension of the rules Engrossed Substitute House Bill No. 3209 was placed on the second reading calendar.

MOTION

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

MOTION

Senator Hewitt moved adoption of the following resolution:

SENATE RESOLUTION
 8713

By Senators Hewitt, King, Schoesler, Holmquist, and Honeyford

WHEREAS, Pacific Power & Light, known today as Pacific Power, was incorporated June 16, 1910, with the combination of small utilities in four Northwest communities, including Walla Walla and Yakima, Washington; and

WHEREAS, Pacific Power celebrates its centennial anniversary of serving the Pacific Northwest in 2010; and

WHEREAS, Pacific Power employs more than 200 full-time employees with family wage jobs in the State of Washington; and

WHEREAS, Pacific Power provides reliable electric service to more than 120,000 Washington customers in Walla Walla, Yakima,

Dayton, Waitsburg, Pomeroy, Prescott, Sunnyside, College Place, Mabton, Wapato, and Naches; and

WHEREAS, Pacific Power owns more than 800 megawatts of clean, renewable wind and hydroelectric generation facilities in the State of Washington; and

WHEREAS, Pacific Power, together with its parent company, MidAmerican Energy Holdings Company, is the largest utility owner of wind generation in the country; and

WHEREAS, Pacific Power is the provider of the nationally acclaimed Blue Sky renewable program for customers, named Green Power Program of the Year in 2007 by the U.S. Environmental Protection Agency and the U.S. Department of Energy; and

WHEREAS, The company's philanthropic arm, the Pacific Power Foundation, has provided more than 2.3 million dollars in grants to Washington organizations and communities since 1989; and

WHEREAS, Pacific Power and its employees have a strong history of community involvement, including support and leadership of numerous civic and economic development organizations; and

WHEREAS, Pacific Power was the first utility in the nation to offer its customers zero-interest loans to finance residential weatherization improvements, and continues to offer energy efficiency programs for its residential and commercial customers; and

WHEREAS, Pacific Power's strong commitment to economic development has led to the recruitment of new businesses to the state, and support that has helped existing businesses to expand and operate more efficiently;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby acknowledge and honor Pacific Power, in celebration of its 100th year in operation; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Pacific Power's field offices in Walla Walla and Yakima, Washington, and to its corporate offices in Portland, Oregon.

Senators Hewitt and King spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8713.

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

MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 7, 2010."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through March 7, 2010 by voice vote.

MOTION

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

MESSAGE FROM THE HOUSE

March 4, 2010

FIFTY SIXTH DAY, MARCH 7, 2010

2010 REGULAR SESSION

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 6261 with the following amendment(s): 6261.E AMH ENGR H5381.E 6261.E AMH ENGR H5381.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.21.217 and 1998 c 285 s 1 are each amended to read as follows:

(1) Prior to furnishing utility services, a city or town may require a deposit to guarantee payment for services. However, failure to require a deposit does not affect the validity of any lien authorized by RCW 35.21.290 or 35.67.200. A city or town may determine how to apply partial payments on past due accounts.

(2) A city or town may provide a real property owner or the owner's designee with duplicates of tenant utility service bills, or may notify an owner or the owner's designee that a tenant's utility account is delinquent. However, if an owner or the owner's designee notifies the city or town in writing that a property served by the city or town is a residential rental property, asks to be notified of a tenant's delinquency, and has provided, in writing, a complete and accurate mailing address, the city or town shall notify the owner or the owner's designee of a residential tenant's delinquency at the same time and in the same manner the city or town notifies the tenant of the tenant's delinquency or by mail, and the city or town is prohibited from collecting from the owner or the owner's designee any charges for electric light or power services more than four months past due. When a city or town provides a real property owner or the owner's designee with duplicates of residential tenant utility service bills or notice that a tenant's utility account is delinquent, the city or town shall notify the tenant that it is providing the duplicate bills or delinquency notice to the owner or the owner's designee.

(3) After ~~(January 1, 1999)~~ August 1, 2010, if a city or town fails to notify the owner of a tenant's delinquency after receiving a written request to do so and after receiving the other information required by this subsection, the city or town shall have no lien against the premises for the residential tenant's delinquent and unpaid charges and is prohibited from collecting the tenant's delinquent and unpaid charges for electric light or power services from the owner or the owner's designee.

(4) When a utility account is in a tenant's name, the owner or the owner's designee shall notify the city or town in writing within fourteen days of the termination of the rental agreement and vacation of the premises. If the owner or the owner's designee fails to provide this notice, a city or town providing electric light or power services is not limited to collecting only up to four months of a tenant's delinquent charges from the owner or the owner's designee, provided that the city or town has complied with the notification requirements of subsection (3) of this section.

(5)(a) If an occupied multiple residential rental unit receives utility service through a single utility account, if the utility account's billing address is not the same as the service address of a residential rental property, or if the city or town has been notified that a tenant resides at the service address, the city or town shall make a good faith and reasonable effort to provide written notice to the service address of pending disconnection of electric power and light or water service for nonpayment at least seven calendar days prior to disconnection. The purpose of this notice is to provide any affected tenant an opportunity to resolve the delinquency with his or her landlord or to arrange for continued service. If requested, a city or town shall provide electric power and light or water services to an affected tenant on the same terms and conditions as other residential utility customers, without requiring that he or she pay delinquent amounts for services billed directly to the property owner or a previous tenant except as otherwise allowed by law and only where the city or town offers the opportunity for the affected tenant to set

up a reasonable payment plan for the delinquent amounts legally due. If a landlord fails to pay for electric power and light or water services, any tenant who requests that the services be placed in his or her name may deduct from the rent due all reasonable charges paid by the tenant to the city or town for such services. A landlord may not take or threaten to take reprisals or retaliatory action as defined in RCW 59.18.240 against a tenant who deducts from his or her rent payments made to a city or town as provided in this subsection.

(b) Nothing in this subsection (5) affects the validity of any lien authorized by RCW 35.21.290 or 35.67.200. Furthermore, a city or town that provides electric power and light or water services to a residential tenant in these circumstances shall retain the right to collect from the property owner, previous tenant, or both, any delinquent amounts due for service previously provided to the service address if the city or town has complied with the notification requirements of subsection (3) of this section when applicable.

Sec. 2. RCW 35.21.290 and 1965 c 7 s 35.21.290 are each amended to read as follows:

Except as provided in RCW 35.21.217(4), cities and towns owning their own waterworks, or electric light or power plants shall have a lien against the premises to which water, electric light, or power services were furnished for four months charges therefor due or to become due, but not for any charges more than four months past due(= PROVIDED, That the owner of the premises or the owner of a delinquent mortgage thereon may give written notice to the superintendent or other head of such works or plant to cut off service to such premises accompanied by payment or tender of payment of the then delinquent and unpaid charges for such service against the premises together with the cut off charge, whereupon the city or town shall have no lien against the premises for charges for such service thereafter furnished, nor shall the owner of the premises or the owner of a delinquent mortgage thereon be held for the payment thereof)."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Marr moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6261.

Senator Marr spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Holmquist, McCaslin and Pflug were excused.

MOTION

On motion of Senator Kauffman, Senators Brown and Pridemore were excused.

The President declared the question before the Senate to be the motion by Senator Marr that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6261.

The motion by Senator Marr carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6261 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6261, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6261, as amended by the House, 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, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Holmquist, McCaslin and Pflug

ENGROSSED SENATE BILL NO. 6261, as amended by the House, 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.

MESSAGE FROM THE HOUSE

March 3, 2010

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6346 with the following amendment(s): 6346-S AMH TR H5432.1 6346-S AMH TR H5432.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.04.295 and 2007 c 510 s 2 are each amended to read as follows:

"Medium-speed electric vehicle" means a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than ~~((thirty))~~ twenty-five miles per hour but not more than thirty-five miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Sec. 571.500.

"**Sec. 2.** RCW 46.61.723 and 2007 c 510 s 3 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, a person may operate a medium-speed electric vehicle upon a highway of this state having a speed limit of thirty-five miles per hour or less, or forty-five miles per hour or less as provided in subsection (4) of this section, if:

(a) The person does not operate a medium-speed electric vehicle upon state highways that are listed in chapter 47.17 RCW;

(b) The person does not operate a medium-speed electric vehicle upon a highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates in compliance with chapter 46.16 RCW. The department must track medium-speed electric vehicles in a separate registration category for reporting purposes;

(c) The person does not operate a medium-speed electric vehicle upon a highway of this state without first obtaining a valid driver's license issued to Washington residents in compliance with chapter 46.20 RCW;

(d) The person does not operate a medium-speed electric vehicle subject to registration under chapter 46.16 RCW on a highway of this state unless the person is insured under a motor vehicle liability policy in compliance with chapter 46.30 RCW; and

(e) The person operating a medium-speed electric vehicle does not cross a roadway with a speed limit in excess of thirty-five miles per hour, or forty-five miles per hour as provided in subsection (4) of this section, unless the crossing begins and ends on a roadway with a speed limit of thirty-five miles per hour or less, or forty-five miles per hour or less as provided in subsection (4) of this section,

and occurs at an intersection of approximately ninety degrees, except that the operator of a medium-speed electric vehicle must not cross an uncontrolled intersection of streets and highways that are part of the state highway system subject to Title 47 RCW unless that intersection has been authorized by local authorities under subsection (3) of this section.

(2) Any person who violates this section commits a traffic infraction.

(3) This section does not prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of their police power, from regulating the operation of medium-speed electric vehicles on streets and highways under their jurisdiction by resolution or ordinance of the governing body, if the regulation is consistent with this title, except that:

(a) Local authorities may not authorize the operation of medium-speed electric vehicles on streets and highways that are part of the state highway system subject to Title 47 RCW;

(b) Local authorities may not prohibit the operation of medium-speed electric vehicles upon highways of this state having a speed limit of thirty-five miles per hour or less; and

(c) Local authorities may not establish requirements for the registration and licensing of medium-speed electric vehicles.

(4) In counties consisting of islands whose only connection to the mainland are ferry routes, a person may operate a medium-speed electric vehicle upon a highway of this state having a speed limit of forty-five miles per hour or less. A person operating a medium-speed electric vehicle as authorized under this subsection must not cross a roadway with a speed limit in excess of forty-five miles per hour, unless the crossing begins and ends on a roadway with a speed limit of forty-five miles per hour or less and occurs at an intersection of approximately ninety degrees, except that the operator of a medium-speed electric vehicle must not cross an uncontrolled intersection of streets and highways that are part of the state highway system subject to Title 47 RCW unless that intersection has been authorized by local authorities under subsection (3) of this section.

(5) Accidents must be recorded and tracked in compliance with chapter 46.52 RCW. An accident report must indicate and be tracked separately when any of the vehicles involved are a medium-speed electric vehicle.

"**Sec. 3.** RCW 46.61.725 and 2003 c 353 s 3 are each amended to read as follows:

(1) Absent prohibition by local authorities authorized under this section and except as prohibited elsewhere in this section, a person may operate a neighborhood electric vehicle upon a highway of this state having a speed limit of thirty-five miles per hour or less, or forty-five miles per hour or less as provided in subsection (4) of this section, if:

(a) The person does not operate a neighborhood electric vehicle upon state highways that are listed in chapter 47.17 RCW;

(b) The person does not operate a neighborhood electric vehicle upon a highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates in compliance with chapter 46.16 RCW. The department must track neighborhood electric vehicles in a separate registration category for reporting purposes;

(c) The person does not operate a neighborhood electric vehicle upon a highway of this state without first obtaining a valid driver's license issued to Washington residents in compliance with chapter 46.20 RCW;

(d) The person does not operate a neighborhood electric vehicle subject to registration under chapter 46.16 RCW on a highway of this state unless the person is insured under a motor vehicle liability policy in compliance with chapter 46.30 RCW; and

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(e) The person operating a neighborhood electric vehicle does not cross a roadway with a speed limit in excess of thirty-five miles per hour, or forty-five miles per hour as provided in subsection (4) of this section, unless the crossing begins and ends on a roadway with a speed limit of thirty-five miles per hour or less, or forty-five miles per hour or less as provided in subsection (4) of this section, and occurs at an intersection of approximately ninety degrees, except that the operator of a neighborhood electric vehicle must not cross an uncontrolled intersection of streets and highways that are part of the state highway system subject to Title 47 RCW unless that intersection has been authorized by local authorities provided elsewhere in this section.

(2) Any person who violates this section commits a traffic infraction.

(3) This section does not prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of their police power, from regulating the operation of neighborhood electric vehicles on streets and highways under their jurisdiction by resolution or ordinance of the governing body, if the regulation is consistent with the provisions of this title, except that:

(a) Local authorities may not authorize the operation of neighborhood electric vehicles on streets and highways that are part of the state highway system subject to the provisions of Title 47 RCW;

(b) Local authorities may not prohibit the operation of neighborhood electric vehicles upon highways of this state having a speed limit of twenty-five miles per hour or less; and

(c) Local authorities are prohibited from establishing any requirements for the registration and licensing of neighborhood electric vehicles.

(4) In counties consisting of islands whose only connection to the mainland are ferry routes, a person may operate a neighborhood electric vehicle upon a highway of this state having a speed limit of forty-five miles per hour or less. A person operating a neighborhood electric vehicle as authorized under this subsection must not cross a roadway with a speed limit in excess of forty-five miles per hour, unless the crossing begins and ends on a roadway with a speed limit of forty-five miles per hour or less and occurs at an intersection of approximately ninety degrees, except that the operator of a neighborhood electric vehicle must not cross an uncontrolled intersection of streets and highways that are part of the state highway system subject to Title 47 RCW unless that intersection has been authorized by local authorities under subsection (3) of this section.

(5) Accidents must be recorded and tracked in compliance with chapter 46.52 RCW. An accident report must indicate and be tracked separately when any of the vehicles involved are a neighborhood electric vehicle."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Ranker moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6346.

Senator Ranker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Ranker that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6346.

The motion by Senator Ranker carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6346 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6346, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6346, as amended by the House, 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, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Holmquist, McCaslin and Pflug
SUBSTITUTE SENATE BILL NO. 6346, as amended by the House, 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 advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6143, by Senate Committee on Ways & Means (originally sponsored by Senator Prentice).

Relating to revenue and taxation. Revised for 1st Substitute: Modifying excise tax laws to preserve funding for public schools, colleges, and universities, as well as other public systems essential for the safety, health, and security of all Washingtonians.

The bill was read on Third Reading.

Senators Eide, Hargrove, Keiser, Shin, Kohl-Welles, Gordon, Franklin, Brown, Murray and Rockefeller spoke in favor of passage of the bill.

Senator Hewitt spoke on final passage of the bill.

Senators King, Carrell, Benton, Stevens, Schoesler, Brandland, Roach, Honeyford, Sheldon, Pflug, Parlette, Tom, Holmquist, Zarelli and Becker spoke against passage of the bill.

MOTION

Senator Benton, pursuant to Rule 31, moved that the question be divided and that each proposition contained within Engrossed Substitute Senate Bill No. 6143 be considered separately.

POINT OF ORDER

Senator Eide: "Looking at Rule 31 and it's regarding the subject so distinct that one being taken away and substantive proposition shall remain the decision at the Senate. Now, yesterday we had, I think we had about four hours worth of debate and amendments and the title, we had a ruling on it earlier regarding the separate subjects and you did do the ruling back that it was in fact the title revenue and taxation covered everything at

that point. So, I'm asking you to rule in saying that Senator Benton's point of order is out of order."

REPLY BY THE PRESIDENT

President Owen: "Senator Eide, the President is going to have to leave the rostrum in order to deal with this so... Whatever you would like to do but he is about to do that. So, if you either want to go to ease or just mill around."

RULING BY THE PRESIDENT

President Owen: "In ruling upon the call by Senator Benton to divide the underlying measure into discrete parts for an individual vote, the President finds and rules as follows:

The President begins by observing that the actual question of Third Reading cannot be divided, as the single and only question presented is the final passage of the bill. The remaining issue is whether a bill, itself, may be divided into separate parts.

Senate Rule 31 clearly allows any member to divide any question before the Senate, but it comes with a very important limitation: the individual sections divided out must be substantively and procedurally able to function on their own, independent of each other and irrespective of how the whole matter is ultimately decided.

Division may therefore properly be used to break out the individual parts of a motion with multiple restrictions or purposes—for example, a motion to go to the Ninth Order for a particular purpose could be divided into a question to go to that order and another to limit the purpose once there. Each part of the question could stand on its own.

Similarly, division may properly be used to separate out discrete sections of amendments in some cases, because any parts ultimately adopted will be incorporated into a full bill at some point. Reed's Rules anticipate dividing amendments in sections 151 and 152, but there is no similar provision for dividing a bill in its entirety. The reason for this seems clear: unlike an amendment, a bill may not properly be divided, because it is not possible to achieve any reasonable division which would allow each part to function independent of the others. Indeed, Reed's section 151's last sentence anticipates the problem, stating, 'A division between a clause and its proviso could not be had, for instance, because the proviso standing alone would mean nothing.'

Every measure needs, for example, a title and an enacting clause. It is not reasonable or possible to divide these among the sections of a bill and still ensure that each division could separately function on its own. Moreover, there is the very real potential for great confusion to arise among the body and the public were bills to be allowed to be divided in this manner. The ensuing logistical chaos and uncertainty as to the ultimate disposition of a measure would be considerable. Avoiding the confusion that could result from such a division is of paramount importance, and thus the President ends with where he began by holding that the question contemplated for division in this case is the final passage of the bill, which—like the individual parts of a bill itself—cannot be divided.

For these reasons, Senator Benton's call is not in order and the bill may not be divided into separate parts for individual consideration."

MOTION

Senator Benton moved that the vote on final passage of Engrossed Substitute Senate Bill No. 6143 be laid upon the table.

Senator Eide spoke against the motion.
Senator Benton spoke in favor of the motion.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand. The demand is sustained.

The President declared the question before the Senate to be the motion by Senator Benton that the final passage of Engrossed Substitute Senate Bill No. 6143 be laid upon the table.

ROLL CALL

The Secretary called the roll on the motion by Senator Benton and the motion failed by the following vote: Yeas, 17; Nays, 31; Absent, 0; Excused, 1.

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

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

Excused: Senator McCaslin

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6143.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6143 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller and Shin

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Hobbs, Holmquist, Honeyford, Kauffman, Kilmer, King, Marr, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senator McCaslin

ENGROSSED SUBSTITUTE SENATE BILL NO. 6143, 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, Engrossed Substitute Senate Bill No. 6143 was immediately transmitted to the House of Representatives.

MOTION

At 2:26 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 3:22 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

March 3, 2010

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6356 with the following amendment(s): 6356-S AMH TR H5431.1 6356-S AMH TR H5431.1,

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** It is the intent of the legislature to protect the public to ensure that only federal, state, and local law enforcement and emergency personnel, public or private, or other entities authorized by law to use emergency equipment have access to emergency equipment and vehicles.

Sec. 2. RCW 46.37.195 and 1990 c 94 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a public agency, business, entity, or person shall not sell or give emergency vehicle lighting equipment or other equipment to a person who may not lawfully operate the lighting equipment or other equipment on the public streets and highways. Prior to selling or giving an emergency vehicle to a person or entity that is not a public law enforcement or emergency agency within or outside the state, public law enforcement or emergency agency in another country, or private ambulance business within or outside the state, the seller or donor must remove all emergency lighting as defined in rules by the Washington state patrol, radios, and any other emergency equipment from the vehicle, except for reflective stripes and paint on fire trucks, that was not originally installed by the original vehicle manufacturer and that visibly identifies the vehicle as an emergency vehicle from the exterior, including spotlights and confinement or rear seat safety cages. If the equipment is not retained or transferred to another public law enforcement or emergency agency within or outside the state, public law enforcement or emergency agency in another country, or private ambulance business within or outside the state, the equipment must be dismantled with the individual parts being recycled or destroyed prior to being disposed of. The agency must also remove all decals, state and local designated law enforcement colors, and stripes that were not installed by the original vehicle manufacturer.

(2) The sale or donation to a broker specializing in the resale of emergency vehicles, or a charitable organization, intending to deliver the vehicle or equipment to a public law enforcement or emergency agency within or outside the state, public law enforcement or emergency agency in another country, or private ambulance business within or outside the state, is allowed with the emergency equipment still installed and intact. If the broker or charitable organization sells or donates the emergency vehicle to a person or entity that is not a public law enforcement or emergency agency, or private ambulance business, the broker or charitable organization must remove the equipment and designations and is accountable and responsible for the removal of the equipment and designations not installed on the vehicle by the original vehicle manufacturer. Equipment not sold or donated to a public law enforcement or emergency agency, or a private ambulance business, must be removed and transferred, destroyed, or recycled in accordance with subsection (1) of this section."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

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MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6356.

Senator Kilmer spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6356.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6356 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6356, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6356, as amended by the House, 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, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridmore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6356, as amended by the House, 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.

MESSAGE FROM THE HOUSE

March 4, 2010

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6359 with the following amendment(s): 6359-S.E AMH APPE H5441.1 ,

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that Washington's community and technical college system consists of thirty-four two-year institutions geographically dispersed across the state to encourage and enable student access and participation. The legislature also finds that, compared with other states, Washington's two-year public participation rate is ranked as high as fifth in the nation. The legislature further finds that Washington's community and technical colleges have been making and are continuing to make great progress towards system efficiencies and coordination of their efforts through such things as common course numbering, the student achievement initiative, associate transfer degrees, eLearning and integrated basic education, skills training, and some common administrative systems. While maintaining Washington's recognized leadership in community and technical college education, the legislature intends to provide mechanisms to encourage further efficiencies that will provide cost savings to be used to enhance student access and success, strengthen academic programs, and develop and retain high quality faculty through cost-effective partnerships and coordination between institutions,

including shared services and increased complementary programming, as well as structural administrative efficiencies.

Sec. 2. RCW 28B.50.020 and 2009 c 64 s 2 are each amended to read as follows:

The purpose of this chapter is to provide for the dramatically increasing number of students requiring high standards of education either as a part of the continuing higher education program or for occupational education and training, or for adult basic skills and literacy education, by creating a new, independent system of community and technical colleges which will:

(1) Offer an open door to every citizen, regardless of his or her academic background or experience, at a cost normally within his or her economic means;

(2) Ensure that each college district, in coordination with adjacent college districts, shall offer thoroughly comprehensive educational, training, and service programs to meet the needs of both the communities and students served by combining high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; community services of an educational, cultural, and recreational nature; and adult education, including basic skills and general, family, and workforce literacy programs and services;

(3) Provide for basic skills and literacy education, and occupational education and technical training (~~at technical colleges~~) in order to prepare students for careers in a competitive workforce;

(4) Provide or coordinate related and supplemental instruction for apprentices at community and technical colleges;

(5) Provide administration by state and local boards which will avoid unnecessary duplication of facilities (~~(or)~~), programs, student services, or administrative functions; and which will encourage efficiency in operation and creativity and imagination in education, training, and service to meet the needs of the community and students;

(6) Allow for the growth, improvement, flexibility and modification of the community colleges and their education, training, and service programs as future needs occur; and

(7) Establish firmly that, except on a pilot basis as provided under RCW 28B.50.810, community colleges are, for purposes of academic training, two year institutions, and are an independent, unique, and vital section of our state's higher education system, separate from both the common school system and other institutions of higher learning, and never to be considered for conversion into four-year liberal arts colleges.

Sec. 3. RCW 28B.50.090 and 2009 c 64 s 4 are each amended to read as follows:

The college board shall have general supervision and control over the state system of community and technical colleges. In addition to the other powers and duties imposed upon the college board by this chapter, the college board shall be charged with the following powers, duties and responsibilities:

(1) Review the budgets prepared by the boards of trustees, prepare a single budget for the support of the state system of community and technical colleges and adult education, and submit this budget to the governor as provided in RCW 43.88.090;

(2) Establish guidelines for the disbursement of funds; and receive and disburse such funds for adult education and maintenance and operation and capital support of the college districts in conformance with the state and district budgets, and in conformance with chapter 43.88 RCW;

(3) Ensure, through the full use of its authority:

(a) That each college district, in coordination with colleges, within a regional area, shall offer thoroughly comprehensive educational, training, and service programs to meet the needs of both the communities and students served by combining high standards of excellence in academic transfer courses; realistic and

practical courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature; and adult education, including basic skills and general, family, and workforce literacy programs and services;

(b) That each college district shall maintain an open-door policy, to the end that no student will be denied admission because of the location of the student's residence or because of the student's educational background or ability; that, insofar as is practical in the judgment of the college board, curriculum offerings will be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body: PROVIDED, That the administrative officers of a community or technical college may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, the student would not be competent to profit from the curriculum offerings of the college, or would, by his or her presence or conduct, create a disruptive atmosphere within the college not consistent with the purposes of the institution. This subsection (3)(b) shall not apply to competency, conduct, or presence associated with a disability in a person twenty-one years of age or younger attending a technical college;

(4) Prepare a comprehensive master plan for the development of community and technical college education and training in the state; and assist the office of financial management in the preparation of enrollment projections to support plans for providing adequate college facilities in all areas of the state. The master plan shall include implementation of the vision, goals, priorities, and strategies in the statewide strategic master plan for higher education under RCW 28B.76.200 based on the community and technical college system's role and mission. The master plan shall also contain measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities;

(5) Define and administer criteria and guidelines for the establishment of new community and technical colleges or campuses within the existing districts;

(6) Establish criteria and procedures for modifying district boundary lines and consolidating district structures to form multiple campus districts consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended and in accordance therewith make such changes as it deems advisable;

(7) Establish minimum standards to govern the operation of the community and technical colleges with respect to:

(a) Qualifications and credentials of instructional and key administrative personnel, except as otherwise provided in the state plan for vocational education,

(b) Internal budgeting, accounting, auditing, and financial procedures as necessary to supplement the general requirements prescribed pursuant to chapter 43.88 RCW,

(c) The content of the curriculums and other educational and training programs, and the requirement for degrees and certificates awarded by the colleges,

(d) Standard admission policies,

(e) Eligibility of courses to receive state fund support;

(8) Establish and administer criteria and procedures for all capital construction including the establishment, installation, and expansion of facilities within the various college districts;

(9) Encourage innovation in the development of new educational and training programs and instructional methods; coordinate research efforts to this end; and disseminate the findings thereof;

(10) Exercise any other powers, duties and responsibilities necessary to carry out the purposes of this chapter;

(11) Authorize the various community and technical colleges to offer programs and courses in other districts when it determines that

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such action is consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended;

(12) Notwithstanding any other law or statute regarding the sale of state property, sell or exchange and convey any or all interest in any community and technical college real and personal property, except such property as is received by a college district in accordance with RCW 28B.50.140(8), when it determines that such property is surplus or that such a sale or exchange is in the best interests of the community and technical college system;

(13) In order that the treasurer for the state board for community and technical colleges appointed in accordance with RCW 28B.50.085 may make vendor payments, the state treasurer will honor warrants drawn by the state board providing for an initial advance on July 1, 1982, of the current biennium and on July 1 of each succeeding biennium from the state general fund in an amount equal to twenty-four percent of the average monthly allotment for such budgeted biennium expenditures for the state board for community and technical colleges as certified by the office of financial management; and at the conclusion of such initial month and for each succeeding month of any biennium, the state treasurer will reimburse expenditures incurred and reported monthly by the state board treasurer in accordance with chapter 43.88 RCW: PROVIDED, That the reimbursement to the state board for actual expenditures incurred in the final month of each biennium shall be less the initial advance made in such biennium;

(14) Notwithstanding the provisions of subsection (12) of this section, may receive such gifts, grants, conveyances, devises, and bequests of real or personal property from private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community and technical college programs and may sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof; and

(15) The college board shall have the power of eminent domain.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.50 RCW to read as follows:

(1) The state board for community and technical colleges, in collaboration with the boards of trustees for the community and technical colleges, shall identify potential administrative efficiencies, complementary administrative functions, and complementary academic programs based upon consultation with colleges within a regional area. To study and identify potential administrative efficiencies and complementary administrative functions and programs, colleges within the regional area shall work with stakeholders including faculty and staff representatives appointed by their respective unions. Factors to be considered include, but are not limited to:

(a) The economic feasibility and cost savings anticipated from the proposed changes;

(b) The extent to which the changes will contribute to student access to academic programs and services, including greater flexibility for students to transfer credits and obtain degrees and certificates from other colleges within the regional area; and

(c) The extent to which the changes contribute to the vision, goals, priorities, and statewide strategies in the comprehensive master plan and the statewide strategic master plan for higher education.

(2) The state board for community and technical colleges shall develop and adopt a detailed plan for the implementation of any identified changes that would result in cost savings while maintaining or enhancing student access and achievement. If educational programs are identified that would provide cost savings if consolidated, the faculty and staff of those programs shall be

convened to assist in the development of the part of the plan that will impact their programs and collective bargaining agreements. The plan must establish a time frame within which any proposed changes must be accomplished and must include any agreements, approved by the state board for community and technical colleges, between colleges within a regional area to provide complementary academic programs or coordinate administrative functions. The implementation plan shall take effect upon approval by the state board for community and technical colleges. The state board shall submit a preliminary report on the plan to the appropriate legislative committees and the governor December 1, 2010, and shall submit a final report December 1, 2011.

(3) Any cost savings realized as a result of the implementation of administrative efficiencies, complementary administrative functions, and complementary academic programming under the plan shall be retained by the respective districts to be used for enhancing student access and success, and the retention and recruitment of high quality faculty, including but not limited to, full-time faculty, faculty development, and academic programs.

(4) The college board, using the criteria and processes established in this section and in consultation with the boards of trustees for the community and technical colleges, shall identify adjacent college districts that can feasibly be consolidated or whose boundaries can feasibly be modified to form a multiple campus district. The primary considerations shall be the extent to which the changes will: (a) Affect student access to academic programs and services, (b) affect the retention and recruitment of high quality faculty, and (c) result in financial efficiencies.

(5) By December 1, 2012, the college board, in consultation with local boards of trustees, shall evaluate any proposed district consolidations or boundary changes identified in subsection (4) of this section as it deems advisable and shall submit any required supporting legislative changes to the governor and appropriate committees of the legislature."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6359.

Senator Kilmer spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6359.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6359 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6359, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6359, as amended by the House, 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, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton,

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

Excused: Senator McCaslin

ENGROSSED SUBSTITUTE SENATE BILL NO. 6359, as amended by the House, 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 advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6874, by Senators Tom, Keiser and Kohl-Welles

Providing funding for the basic health plan by increasing the taxes on certain tobacco products and facilitating the funding within the state expenditure limit. Revised for 1st Substitute: Providing funding for the basic health plan by increasing the taxes on cigarettes and facilitating the funding within the state expenditure limit.

MOTIONS

On motion of Senator Tom, Substitute Senate Bill No. 6874 was substituted for Senate Bill No. 6874 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Tom, the rules were suspended, Substitute Senate Bill No. 6874 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom, Keiser, Marr and McDermott spoke in favor of passage of the bill.

Senator Hewitt spoke on final passage of the bill.

Senators Carrell, Pflug and Schoesler spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6874.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6874 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

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

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

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6874, 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 3:52 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Monday, March 8, 2010.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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