

TWENTY-THIRD DAY

NOON SESSION

Senate Chamber, Olympia, February 1, 2005

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

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

January 31, 2005

SB 5059 Prime Sponsor, Haugen: Creating a transportation debt limit. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

Passed to Committee on Rules for second reading.

January 31, 2005

SB 5126 Prime Sponsor, Kohl-Welles: Developing policies, procedures, and mandatory training programs on sexual harassment for all state employees. Reported by Committee on Labor, Commerce, Research & Development

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

Passed to Committee on Ways & Means.

January 31, 2005

SB 5134 Prime Sponsor, Jacobsen: Making the disabled hunters and fishers advisory committee a permanent entity. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel and Swecker

Passed to Committee on Rules for second reading.

January 31, 2005

SB 5139 Prime Sponsor, Haugen: Modifying highway and bridge tolling authority. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5139 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Kastama, Mulliken, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senator Esser

Passed to Committee on Rules for second reading.

January 31, 2005

SB 5160 Prime Sponsor, Eide: Restricting use of wireless communications devices in moving motor vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Benson, Eide, Kastama, Oke, Spanel, Swecker and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senators Esser and Mulliken

Passed to Committee on Rules for second reading.

January 31, 2005

SB 5182 Prime Sponsor, Franklin: Requiring disclosures for single burial use of multiple interment space. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5182 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Deccio, Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

January 31, 2005

SB 5191 Prime Sponsor, Weinstein: Providing for a comprehensive K-12 education finance study. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Berkey, Carrell, Eide, Kohl-Welles, Pridemore, Rasmussen, Schmidt, Shin and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Mulliken and Schoesler

Passed to Committee on Ways & Means.

January 31, 2005

SB 5194 Prime Sponsor, Franklin: Including the longshore and harbor workers' compensation account within the Washington insurance guaranty association. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Deccio, Hewitt, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

January 31, 2005

SB 5232 Prime Sponsor, Oke: Requiring a turkey tag to hunt for turkey. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Morton, Oke, Spanel and Swecker

Passed to Committee on Ways & Means.

January 31, 2005

SB 5398 Prime Sponsor, Thibaudeau: Providing tax exemptions for comprehensive cancer centers. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Without recommendation. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Ways & Means.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5126 which was referred to the Committee on Ways & Means.

MOTION

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

MESSAGES FROM THE STATE OFFICES

November 15, 2004

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Social & Health Services. This report is mandated under Chapter 25, Laws of 2003, E1, Section 205(1)(d).

If you have any questions about the report, please call 360-725-3452.

The Department of Social & Health Services is on file in the Office of the Secretary of the Senate.

Dennis Braddock, Secretary

MOTION

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

INTRODUCTION AND FIRST READING

SB 5639 by Senators Eide, Shin, Rasmussen and McAuliffe

AN ACT Relating to the high technology business and occupation tax credit; adding a new section to chapter 82.04 RCW; creating a new section; repealing RCW 82.04.4452; providing an effective date; and providing an expiration date.

Referred to Committee on International Trade & Economic Development.

SB 5640 by Senators Eide, Haugen, Shin and Rasmussen

AN ACT Relating to the business and occupation taxation of royalties; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on International Trade & Economic Development.

SB 5641 by Senators Eide, Haugen, Shin, Keiser, Franklin, Rasmussen, McAuliffe and Kohl-Welles

AN ACT Relating to small business and entrepreneurial development; amending RCW 28C.18.060, 43.162.020, and 50.20.095; adding a new section to chapter 50.20 RCW; adding new sections to chapter 43.330 RCW; creating new sections; repealing RCW 28B.30.530 and 28B.30.533; and making appropriations.

Referred to Committee on International Trade & Economic Development.

SB 5642 by Senators Eide, Haugen, Shin, Keiser, Rasmussen, McAuliffe and Kohl-Welles

AN ACT Relating to business and job retention and expansion; amending RCW 50.12.190; adding a new chapter to Title 43 RCW; and making appropriations.

Referred to Committee on International Trade & Economic Development.

SB 5643 by Senators Hargrove, Kline and Brandland

AN ACT Relating to community notification and release of sex offender information; reenacting and amending RCW 42.17.310; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5644 by Senators Kline, Roach, Benton, Esser, Prentice, Shin, McAuliffe, Haugen, Fairley, Hargrove and Rasmussen

AN ACT Relating to driver's license suspensions; and reenacting and amending RCW 46.20.308.

Referred to Committee on Judiciary.

SB 5645 by Senators Kline, Roach, Esser, Prentice, Keiser, Haugen, Fairley, Shin, Hargrove and Rasmussen

AN ACT Relating to requirements for ignition interlock devices; and amending RCW 46.20.391.

Referred to Committee on Judiciary.

SB 5646 by Senators Kline, Rockefeller, Franklin, Shin, Fraser, Prentice, Keiser and Kohl-Welles

AN ACT Relating to concealment of public hazard information; adding a new section to chapter 4.24 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5647 by Senators Kline, Franklin, Fairley, Prentice, McAuliffe and Shin

AN ACT Relating to enforcement of immigration laws; adding a new section to chapter 10.93 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5648 by Senators Kline, Prentice, Franklin, Fairley, McAuliffe, Shin and Kohl-Welles

AN ACT Relating to the immigration status of crime victims, witnesses, and others seeking assistance from law enforcement personnel; and adding a new section to chapter 10.97 RCW.

Referred to Committee on Judiciary.

SB 5649 by Senators Keiser, Deccio, Thibaudeau, Parlette and Benson

AN ACT Relating to fairness in the informal dispute resolution process; amending RCW 18.20.195; and adding a new section to chapter 18.51 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5650 by Senators Thibaudeau, Deccio, Keiser, Parlette, Kohl-Welles, Benson and McAuliffe

AN ACT Relating to adult family home services; and adding new sections to chapter 70.128 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5651 by Senators Fraser, Hewitt, Mulliken, Rasmussen, McAuliffe and Kohl-Welles

AN ACT Relating to the community and technical college capital projects account; amending RCW 43.84.092; reenacting and amending RCW 43.84.092; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5652 by Senators Shin, Schoesler, Haugen, Mulliken, Sheldon and Rasmussen

AN ACT Relating to establishing the short line rail revitalization program; adding a new section to chapter 43.160 RCW; and creating a new section.

Referred to Committee on International Trade & Economic Development.

SB 5653 by Senators Jacobsen, Swecker, Doumit and Haugen

AN ACT Relating to specialized commercial vehicles used for patient transportation; amending RCW 18.73.030; and creating a new section.

Referred to Committee on Transportation.

SB 5654 by Senators Prentice, Esser, Oke and Kohl-Welles

AN ACT Relating to the privacy of personal information of criminal justice officials; amending RCW 4.24.680 and 4.24.700; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5655 by Senators Schmidt, Rasmussen, Eide, Jacobsen, Poulsen, Kline and Kohl-Welles

AN ACT Relating to teaching Washington's tribal history, culture, and government in the common schools; amending RCW 28A.230.090; adding a new section to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5656 by Senators Thibaudeau, Deccio, Esser and Franklin

AN ACT Relating to participation of denturists in preferred provider networks; and amending RCW 48.20.418, 48.21.148, 48.44.500, and 48.46.570.

Referred to Committee on Health & Long-Term Care.

SB 5657 by Senators Haugen and Brandland

AN ACT Relating to limiting liability for persons who work with liquefied petroleum gas; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

SB 5658 by Senators Haugen and Honeyford

AN ACT Relating to regulating liquified petroleum gas; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Water, Energy & Environment.

SB 5659 by Senators Pridemore, Morton, Hewitt, Poulsen, Honeyford, Mulliken, Fraser, Rockefeller, Regala, Sheldon, Keiser, Kline, Rasmussen, Oke and Kohl-Welles

AN ACT Relating to renewable energy tax credits; adding a new section to chapter 82.16 RCW; and creating new sections.

Referred to Committee on Water, Energy & Environment.

SB 5660 by Senators Kastama, Prentice, Fairley, Rockefeller, Eide and Fraser

AN ACT Relating to resolving manufactured/mobile home landlord and tenant disputes; amending RCW 59.22.050; adding a new section to chapter 34.12 RCW; adding a new chapter to Title 59 RCW; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5661 by Senators Sheldon, McCaslin, Mulliken and Roach

AN ACT Relating to categorical exemptions from the state environmental policy act for certain activities; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Water, Energy & Environment.

SB 5662 by Senators Jacobsen, Kastama, Swecker, Benson, Esser, Mulliken, Shin and Oke

AN ACT Relating to establishing dedicated funding for freight mobility; amending RCW 43.84.092; reenacting and amending RCW 43.84.092; adding a new section to chapter 47.06A RCW; creating new sections; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5663 by Senators Rasmussen, Schoesler, Doumit, Honeyford, Parlette, Jacobsen and Mulliken

AN ACT Relating to repealing and narrowing tax incentives for machinery and equipment used to reduce agricultural burning of cereal grains and grass grown for seed for air quality purposes; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; repealing RCW 82.08.840, 82.12.840, 82.04.4459, and 84.36.580; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5664 by Senators McAuliffe, Eide, Brandland, Regala, Thibaudeau, Stevens, Keiser, Kline and Rasmussen

AN ACT Relating to improving teachers' skills in teaching children with learning differences; amending RCW 28A.415.023; and adding a new section to chapter 28A.410 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5665 by Senators Parlette, Schoesler, Hewitt, Honeyford and Mulliken

AN ACT Relating to worker accidents reports; amending RCW 51.28.010, 51.28.010, 51.28.020, 51.28.020, 51.28.025, and 51.28.025; providing an effective date; and providing an expiration date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5666 by Senators Stevens, Hargrove, McAuliffe, Carrell, Brandland, Delvin, Roach, Rasmussen and Kohl-Welles

AN ACT Relating to information sharing in child dependency cases; amending RCW 13.34.350; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5667 by Senators Roach, Mulliken, Johnson, Hewitt, Honeyford, Sheldon and Schmidt

AN ACT Relating to county auditors; amending RCW 29A.04.216 and 36.16.030; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5668 by Senators Roach, Swecker, Carrell and Mulliken

AN ACT Relating to voting education in high schools; and amending RCW 28A.230.090.

Referred to Committee on Early Learning, K-12 & Higher Education.

SB 5669 by Senators Roach, Swecker, Schoesler, Carrell, Benson and Mulliken

AN ACT Relating to use of state vehicles; and amending RCW 43.41.130.

Referred to Committee on Government Operations & Elections.

SB 5670 by Senators Roach, Mulliken, Honeyford, Sheldon and Johnson

AN ACT Relating to critical area regulations; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations & Elections.

SB 5671 by Senators Roach, Mulliken, Hewitt, Honeyford, Sheldon and Johnson

AN ACT Relating to governmental actions that cause reduction in property value; adding a new section to chapter 64.40 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SJM 8012 by Senators Prentice, Schmidt, Franklin, Rockefeller, Weinstein, Shin, Regala, Esser, Keiser, Doumit, Haugen, Johnson, Fairley, Benson, Kline, Hewitt, Poulsen, Fraser, Thibaudeau, Jacobsen, Rasmussen, Finkbeiner, Deccio, Pflug, Oke, Sheldon, Carrell, Schoesler, Pridemore, Honeyford, Stevens, Mulliken, McAuliffe and Kohl-Welles

Asking that the federal government provide veterans' benefits owed to Filipino veterans.

Referred to Committee on Government Operations & Elections.

SCR 8406 by Senators Kohl-Welles, Schmidt, McAuliffe, Franklin, Esser, Keiser, Pridemore, Kline, Shin and Rasmussen

Approving the 2004 update to the state comprehensive plan for work force training.

Referred to Committee on Labor, Commerce, Research & Development.

MOTION

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 Eide moved adoption of the following resolution:

SENATE RESOLUTION 8610

By Senator Eide

WHEREAS, Harry S. Truman High School is an alternative school that opened in the 1970s in the Federal Way School District; and
WHEREAS, Each year teachers and staff at Truman High School have raised their expectations for the alternative high school students. Attendance requirements were more strictly enforced and academic requirements were raised to better prepare students for life after high school. However, the level of academic performance from students did not match the expectations that teachers and staff held; and

WHEREAS, In 1999 Truman High School was awarded a Gates Foundation Small Schools Project grant to restructure the way Truman High School delivered instruction; and

WHEREAS, In 2001 Truman High School opened its doors to a brand new learning environment where a team of 12 teachers personalized education and acted as advisors staying with no more than 17 students until they graduated, worked with parents to make them active partners in their children's high school experience, and helped students locate experiences and internships that matched their interests and passions; and

WHEREAS, Truman High School is now a college preparatory school. Students must apply to Truman as a school of choice. The students come from all different ethnic, economic, social, and educational backgrounds; and

WHEREAS, In order to graduate, students must demonstrate proficiency in a number of academic areas that are determined by the state standards and the Essential Academic Learning Requirements. Student work is collected in a portfolio and reviewed regularly by

teachers, administrators, parents, and students. Students must present their work through a public exhibition for a panel made up of students, staff, parents, and mentor/community members; and

WHEREAS, Truman staff believe all students should have the opportunity to attend posthigh school academic education, and prepare students for this opportunity. Students are required to make college visits and go through the application process. Students' academic expectations are high and are consistent with college preparation. All students must take the SAT and the ACT; and

WHEREAS, For the first time in school history, one hundred percent of the 2004 Truman High School graduating class was accepted to posthigh school academic training;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acknowledge and honor the Harry S. Truman High School teachers, staff, and student Class of 2004, who demonstrate the teachers' and staffs' commitment to students and the students' commitment to themselves; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Truman High School.

Senator Eide spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8610.

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

MOTION

Senator Esser moved adoption of the following resolution:

SENATE RESOLUTION 8617

By Senator Rasmussen

WHEREAS, On February 1, 2005, the livestock industry, affectionately referred to as the "Barnyard Coalition," is convening its Joint Legislative Day in Olympia to meet with leaders of state government; and

WHEREAS, The state livestock and related livestock feed industry comprise approximately thirty-six percent of the value of production of Washington State's agriculture industry, the state's number one industry; and

WHEREAS, This group is an informal but influential group that works with other state leaders to coordinate the state's efforts toward high priority issues including food safety, environmental stewardship, livestock disease control, and, last but not least, maintaining the viability of farming and ranching for future generations;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognize the efforts of the "Barnyard Coalition" to address important public issues, and to express great appreciation for the hard work of the livestock industry because we know that a quality and affordable product does not just magically appear on the grocery store shelf; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to representatives of the "Barnyard Coalition."

Senator Esser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8617.

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

MOTION

At 12:06 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, February 2, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate