

THIRTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 19, 2008

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Hobbs and Sheldon.

The Sergeant at Arms Color Guard consisting of Pages Taylor Pierce and Stephanie Rae, presented the Colors. Cmdr. Ron Brown, Navy Region Northwest command chaplain, of Bremerton offered the prayer.

The Navy Region Northwest Band consisting of Musician 1<sup>st</sup> Class Thomas Horner; Musician 1<sup>st</sup> Class James Raasch; Musician 3<sup>rd</sup> Class Drew Williams and, Musician 3<sup>rd</sup> Class Eric Cavender performed the National Anthem.

INTRODUCTIONS OF SPECIAL GUEST

The President introduces former Secretary of State Ralph Munro who was present in the gallery and assisted in organizing "Navy Day."

The President welcomes and introduced Rear Admiral James A. Symonds, Commander Navy Region Northwest; Commander Naval Region Northwest's Chief of Staff, Capt T. J. Dargen; and Cmdr. Ron Brown who were seated at the rostrum.

The President also introduced members Capt. Reid Tanaka, Naval Base Kitsap commanding officer; Cmdr. George Whitbred, Naval Base Kitsap, Indian Island; Capt. Steve Shapro, Fleet and Industrial Supply Center; Capt. Catherine Wilson, Naval Hospital Bremerton; Capt. Robert Schlesinger, Naval Facilities Engineering Command; Capt. Tom Mascolo, Naval Station Everett; Cmdr. Chris Phillips, Navy Recruiting District Seattle; and Mr. Rick Tift, Executive Director, Puget Sound Naval Shipyard.

The President introduced Lt. Patrick Smith, Lt. James Udall, Petty Officer Jeremiah Brown, Petty Officer Chad Lewis, and Petty Officer Seth Von Borstel, Naval Station Whidbey Island Search and Rescue Sailors, who were present in the gallery and recognized for their heroic efforts assisting victims during the December 2007 floods in Lewis, Grays Harbor and Thurston counties.

PERSONAL PRIVILEGE

Senator Swecker: "Well, I just want to take this opportunity to thank these gentleman personally. I represent Lewis County and parts of Thurston County that were flooded and I can tell you the Monday morning of the flood event we had such a deluge of water come down the Chehalis River from the hurricane that occurred in the upper watershed that none of us anticipated how quickly we were going to be putting people at risk and how difficult it was going to be to get to them. Having been a helicopter pilot in the Army I think I was one of the first to seize on the idea that we needed some helicopter support and I started making phone calls. Once I finally got through I was informed within five minutes that helicopters were on their way. Thank you."

PERSONAL PRIVILEGE

Senator Haugen: "Thank you Mr. President. Well, these fine young men come from my area. I represent Whidbey Island and I represent that really outstanding naval base. I want to tell that over the years during my political career I've seen men from US Navy Whidbey rescue many people. They've rescued people

off mountains. They've rescued people off the sea. They use to do it a whole more than they do now but I can tell you living in an area where you can depend on these young outstanding pilots to be there in a crisis really means a lot to the people in the area. Our military base is really an outstanding base because it really is a part of our community. These young men who serve on this base and women they actually reach out in this community and serve it in many ways. We're just so fortunate to have this installation in our area but more than anything else we're really fortunate to have young men like this who are risking their lives daily for all of us. Not only in Iraq and other places around the world but here right in the state of Washington and I want to say thank you. I'm really proud to be your Senator."

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

February 18, 2008

MR. PRESIDENT:

The House has passed the following bills:  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1115,  
 HOUSE BILL NO. 2470,  
 SUBSTITUTE HOUSE BILL NO. 2575,  
 SUBSTITUTE HOUSE BILL NO. 2609,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2635,  
 SUBSTITUTE HOUSE BILL NO. 2675,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2712,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2767,  
 HOUSE BILL NO. 2792,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2844,  
 HOUSE BILL NO. 2901,  
 SUBSTITUTE HOUSE BILL NO. 2904,  
 HOUSE BILL NO. 3025,  
 SUBSTITUTE HOUSE BILL NO. 3059,  
 SUBSTITUTE HOUSE BILL NO. 3206,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 18, 2008

MR. PRESIDENT:

The House has passed the following bills:  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1332,  
 THIRD SUBSTITUTE HOUSE BILL NO. 1741,  
 SUBSTITUTE HOUSE BILL NO. 2455,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2468,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2533,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2592,  
 SUBSTITUTE HOUSE BILL NO. 2602,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2626,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2703,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2713,

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ENGROSSED SUBSTITUTE HOUSE BILL NO. 3012,  
 SUBSTITUTE HOUSE BILL NO. 3069,  
 SUBSTITUTE HOUSE BILL NO. 3071,  
 ENGROSSED HOUSE BILL NO. 3142,  
 SUBSTITUTE HOUSE BILL NO. 3149,  
 HOUSE BILL NO. 3151,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 3186,  
 HOUSE BILL NO. 3188,  
 ENGROSSED HOUSE BILL NO. 3230,  
 SECOND SUBSTITUTE HOUSE BILL NO. 3269,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3303,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

February 18, 2008

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 2110,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2530,  
 HOUSE BILL NO. 2542,  
 SUBSTITUTE HOUSE BILL NO. 2585,  
 SUBSTITUTE HOUSE BILL NO. 2621,  
 SUBSTITUTE HOUSE BILL NO. 2666,  
 SUBSTITUTE HOUSE BILL NO. 2746,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 2817  
 HOUSE BILL NO. 2887,  
 SUBSTITUTE HOUSE BILL NO. 2917,  
 HOUSE BILL NO. 3177,  
 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 OF HOUSE BILLS

HB 1545 by Representatives Kirby, Ericks and Ormsby

AN ACT Relating to industrial insurance death benefits for  
 the surviving spouses of law enforcement officers; amending  
 RCW 51.32.050; and creating a new section.

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

E2SHB 1621 by House Committee on Finance (originally  
 sponsored by Representatives B. Sullivan, Sells, Morrell,  
 Lovick, Ormsby, Miloscia, Springer, McCoy, Sullivan,  
 Hasegawa, O'Brien, Roberts, Conway, Wood, Haigh, Rolfes and  
 Simpson)

AN ACT Relating to the preservation of  
 manufactured/mobile home communities; amending RCW  
 59.20.030, 82.45.010, and 59.22.050; adding new sections  
 to chapter 59.20 RCW; creating a new section; and  
 repealing RCW 59.23.005, 59.23.010, 59.23.015,  
 59.23.020, 59.23.025, 59.23.030, 59.23.035, and 59.23.040.

Referred to Committee on Consumer Protection & Housing.

E2SHB 1773 by House Committee on Transportation  
 (originally sponsored by Representatives Clibborn and Jarrett)

AN ACT Relating to the imposition of tolls; amending  
 RCW 47.56.030, 47.56.040, 47.56.070, 47.56.076,  
 47.56.078, 47.56.120, 47.56.240, 35.74.050, 36.120.050,  
 36.73.040, 47.29.060, 47.58.030, 47.60.010, and 53.34.010;  
 reenacting and amending RCW 43.79A.040; adding new  
 sections to chapter 47.56 RCW; repealing RCW 47.56.0761  
 and 47.56.080; and declaring an emergency.

Referred to Committee on Transportation.

HB 1775 by Representatives Hinkle, Pettigrew, Kretz,  
 Grant, Armstrong, Pearson, Strow, Sump, Warnick and Blake

AN ACT Relating to crimes against livestock belonging to  
 another person; amending RCW 4.24.320; adding a new  
 chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

E3SHB 1873 by House Committee on Appropriations  
 (originally sponsored by Representatives Ormsby, Haler,  
 Pedersen, Wood, VanDeWege, Campbell, Flannigan, Kessler,  
 Williams and Lantz)

AN ACT Relating to actions for wrongful injury or death;  
 amending RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010;  
 creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 2134 by Representatives VanDeWege, Linville,  
 Grant, Walsh, Kenney, Curtis, Moeller, Conway, Fromhold,  
 Seaquist, Sullivan, Hinkle, Ericks, Upthegrove, Schual-Berke,  
 Hurst, Sells, Lovick, Williams, Campbell, Chase, Quall,  
 Simpson, Hasegawa, Santos, Goodman, Haler, Ormsby and  
 Kelley

AN ACT Relating to port district fire fighter membership in  
 the law enforcement officers' and fire fighters' retirement  
 system plan 2; amending RCW 41.26.030 and 41.26.030;  
 providing an effective date; and providing an expiration  
 date.

Referred to Committee on Ways & Means.

2SHB 2344 by House Committee on Transportation  
 (originally sponsored by Representatives Wallace, Rodne,  
 Hunter and Kenney)

AN ACT Relating to preserving rail corridors; amending  
 RCW 36.70A.070 and 64.06.020; and adding new sections  
 to chapter 47.76 RCW.

Referred to Committee on Transportation.

SHB 2444 by House Committee on Appropriations  
 Subcommittee on General Government & Audit Review  
 (originally sponsored by Representatives Pearson, McCune,  
 Priest, Haler, Armstrong, Kristiansen, Crouse, Rodne, Bailey,  
 Hinkle, Hailey, Kretz, Warnick, Sump, Roach, Orcutt,  
 Newhouse, Ahern, Alexander, Skinner, Hurst, Schindler, Walsh,  
 Smith, Campbell, Dunn, Herrera, Kelley and McDonald)

AN ACT Relating to requiring registered sex and  
 kidnapping offenders to submit information regarding any e-  
 mail addresses and any web sites they create or operate;  
 reenacting and amending RCW 9A.44.130; and creating a  
 new section.

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Referred to Committee on Human Services & Corrections.

E2SHB 2449 by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Conway, Goodman, Kagi, Haler, Priest, Morrell, Green, Appleton, Sullivan, Wood, Sells, Williams, Haigh, Campbell, Simpson, Wallace, Barlow, Ormsby, Kessler, Jarrett, Dunshee, Walsh, Hudgins, Moeller, VanDeWege, Blake, Hasegawa, Hunt, Lias, Miloscia, McIntire, Kenney, Santos, Cody, Nelson, Rolfes, Chase and Darneille)

AN ACT Relating to improving quality, access, and stability of child care through providing collective bargaining for child care center directors and workers; amending RCW 41.56.028, 41.56.030, 41.56.113, 41.04.810, and 43.01.047; adding a new section to chapter 43.215 RCW; adding a new section to chapter 74.08A RCW; adding a new section to chapter 74.12 RCW; and creating new sections.

Referred to Committee on Ways & Means.

HB 2485 by Representatives Fromhold, Orcutt, Wallace, Moeller, Dunn, Blake and McIntire

AN ACT Relating to definitions applicable to local infrastructure financing tool program demonstration projects; amending RCW 39.102.020; and providing an expiration date.

Referred to Committee on Economic Development, Trade & Management.

2SHB 2507 by House Committee on Capital Budget (originally sponsored by Representatives O'Brien, Ormsby, Hurst, Goodman, VanDeWege, Lias, Barlow, Green, Kelley, Warnick and Simpson)

AN ACT Relating to expanding the statewide first responder building mapping information system to higher education facilities; and creating new sections.

Referred to Committee on Ways & Means.

2SHB 2514 by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Quall, Appleton, McCoy, Morris, McIntire, Nelson, Kagi and Upthegrove)

AN ACT Relating to protecting southern resident orca whales from disturbances by vessels; adding a new section to chapter 77.15 RCW; adding a new section to chapter 77.12 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 2527 by Representatives Bailey, Kenney and Kretz

AN ACT Relating to modifying the definitions of rural county for certain economic development programs; and amending RCW 43.160.020.

Referred to Committee on Ways & Means.

2SHB 2537 by House Committee on Appropriations (originally sponsored by Representatives Cody, Hasegawa, Kenney, Morrell, Green and Loomis)

AN ACT Relating to modifications to the health insurance partnership statute necessary for timely implementation of the health insurance partnership; amending RCW 70.47A.020, 70.47A.030, 70.47A.040, 70.47A.070, 70.47A.110, 48.21.045, 48.44.023, and 48.46.066; and creating a new section.

Referred to Committee on Ways & Means.

2SHB 2557 by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Goodman, Barlow and Warnick)

AN ACT Relating to improving the operation of the trial courts; amending RCW 3.66.020, 12.40.010, 3.50.003, 3.50.020, 3.42.020, 3.34.110, and 3.50.075; adding new sections to chapter 3.50 RCW; adding a new section to chapter 35.20 RCW; adding a new section to chapter 3.46 RCW; creating a new section; repealing RCW 3.46.010, 3.46.020, 3.46.030, 3.46.040, 3.46.050, 3.46.060, 3.46.063, 3.46.067, 3.46.070, 3.46.080, 3.46.090, 3.46.100, 3.46.110, 3.46.120, 3.46.130, 3.46.140, 3.46.145, 3.46.150, 3.46.160, 3.42.030, and 3.50.007; and providing an effective date.

Referred to Committee on Judiciary.

SHB 2580 by House Committee on Appropriations (originally sponsored by Representatives Hurst, McCoy, VanDeWege, Morrell, Campbell and Roach)

AN ACT Relating to paydates for employees participating in state active military duty; and amending RCW 42.16.010.

Referred to Committee on Government Operations & Elections.

E2SHB 2624 by House Committee on Appropriations (originally sponsored by Representatives McCoy, Kessler, Appleton, Ormsby, VanDeWege, Hunt, Kenney, Darneille and Chase)

AN ACT Relating to human remains; amending RCW 27.53.030; adding a new section to chapter 68.50 RCW; adding a new section to chapter 27.44 RCW; adding a new section to chapter 68.60 RCW; adding new sections to chapter 43.334 RCW; adding a new section to chapter 27.34 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Ways & Means.

SHB 2639 by House Committee on Local Government (originally sponsored by Representatives Takko, Kretz, Blake, Condotta, VanDeWege and Haler)

AN ACT Relating to procurement of renewable resources by public agencies; amending RCW 39.34.030, 54.44.020, 25.15.005, 54.16.180, and 42.24.080; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

HB 2650 by Representatives Santos, Ericks, Hunter and Wood

AN ACT Relating to authorizing a cigarette tax agreement between the state of Washington and the Yakama Nation;

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amending RCW 82.08.0316 and 82.12.0316; adding a new section to chapter 43.06 RCW; adding a new section to chapter 82.24 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

E2SHB 2668 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Green, Cody, Hunt, McCoy, Wallace, Pedersen, Campbell, McIntire, Conway, Simpson, Kenney and Darneille)

AN ACT Relating to long-term care; amending RCW 74.41.040, 18.20.350, 74.41.050, 74.38.030, 74.38.040, 18.79.260, and 18.88A.210; adding a new section to chapter 43.70 RCW; adding new sections to chapter 74.39A RCW; adding a new section to chapter 74.34 RCW; adding a new section to chapter 74.09 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SHB 2756 by House Committee on Appropriations (originally sponsored by Representatives Kelley, Green, Wallace, Rodne, McCune, Goodman, VanDeWege, Lantz, Seaquist, Hurst and Simpson)

AN ACT Relating to logging the telephone calls of residents of the special commitment center; adding a new section to chapter 71.09 RCW; adding a new section to chapter 42.56 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

HB 2764 by Representatives O'Brien, Pearson, Dickerson, Loomis, Hurst, Morrell, Sullivan, Kenney, McDonald, Hudgins and Kelley

AN ACT Relating to adding domestic violence court order violation to the list of offenses eligible for notification; and amending RCW 9.94A.612 and 9.94A.614.

Referred to Committee on Human Services & Corrections.

HB 2781 by Representatives Wallace, Chase, Sells, Conway, Morrell, Haigh, Hankins and Santos

AN ACT Relating to enhancing Washington state history and government course requirements for high school graduation; adding a new section to chapter 28A.230 RCW; and creating a new section.

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

SHB 2823 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake and Kretz)

AN ACT Relating to the Willapa harbor oyster reserve; amending RCW 70.118.140 and 77.60.160; adding a new section to chapter 77.60 RCW; and recodifying RCW 70.118.140.

Referred to Committee on Natural Resources, Ocean & Recreation.

2SHB 2829 by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Kelley, Williams,

Eddy, Rolfes, Lantz, Lias, Linville, Upthegrove, Green, Anderson, Nelson, Morrell, Fromhold, Kenney, Darneille, McIntire, Kirby, Haigh, Simpson, Hasegawa, O'Brien and Ormsby)

AN ACT Relating to expanding financial literacy through education and counseling to promote greater homeownership security; adding new sections to chapter 43.320 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

SHB 2836 by House Committee on Judiciary (originally sponsored by Representatives Williams, Dickerson, Upthegrove, Rodne, Simpson, Dunshee, Morrell, Haigh and Ormsby)

AN ACT Relating to protecting animals from perpetrators of domestic violence; and amending RCW 26.50.060 and 26.50.110.

Referred to Committee on Judiciary.

SHB 2838 by House Committee on Insurance, Financial Services & Consumer Protection (originally sponsored by Representatives Williams, Roach, Kirby, Simpson, Ericks and Haler)

AN ACT Relating to personal information associated with debit and credit cards issued by financial institutions; and adding a new section to chapter 19.255 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2850 by Representatives Rolfes, Upthegrove, Williams, Pedersen and Hunt

AN ACT Relating to Puget Sound scientific research; and amending RCW 90.71.110 and 90.71.280.

Referred to Committee on Water, Energy & Telecommunications.

ESHB 2884 by House Committee on Education (originally sponsored by Representatives Pettigrew, Kagi, Dickerson, Appleton, Roberts, Haler, Darneille, Hasegawa, Santos, Goodman, McIntire and Kenney)

AN ACT Relating to student discipline policies; amending RCW 28A.400.110; adding a new section to chapter 28A.600 RCW; and creating a new section.

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

SHB 2893 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives VanDeWege, Kessler, Moeller, Sells, Hunt, Takko, McCoy, Lias, Conway, Haigh, Blake, Ormsby, Loomis, O'Brien, Eickmeyer, Hasegawa, Green, Pearson and Nelson)

AN ACT Relating to the composition of the forest practices board; and amending RCW 76.09.030.

Referred to Committee on Natural Resources, Ocean & Recreation.

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HB 2949 by Representatives Linville, Conway, Armstrong, Condotta, Fromhold and Wood

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

AN ACT Relating to designating nonappropriated expenses of the liquor control board paid from the liquor revolving fund; amending RCW 66.08.026; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 2959 by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Ormsby, Springer, Conway, Linville, Barlow, Walsh and Quall)

AN ACT Relating to craft distilleries; amending RCW 66.24.140, 66.04.010, 66.28.040, 66.28.060, 66.24.481, 66.20.300, and 66.20.310; reenacting and amending RCW 66.04.010, 66.28.010, and 66.24.210; adding a new section to chapter 66.24 RCW; providing an effective date; and providing an expiration date.

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

SHB 2963 by House Committee on Appropriations (originally sponsored by Representatives Conway, Campbell, Chase, Hasegawa, Sullivan, Simpson, Seaquist, Appleton, Sells, Wood, Green, Blake, Ericks, Kenney, Williams, McIntire, Pettigrew, Kirby, Moeller, Fromhold, Hunt, VanDeWege, Ormsby and Hudgins)

AN ACT Relating to collective bargaining for Washington State University employees who are enrolled in academic programs; adding a new section to chapter 41.56 RCW; and creating new sections.

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

EHB 2985 by Representatives Liias, Ericks, Ormsby, Appleton, Hunt, O'Brien, Loomis, Pettigrew, Kagi, Blake, Simpson and Chase

AN ACT Relating to establishing local public works assistance funds; and adding a new chapter to Title 36 RCW.

Referred to Committee on Economic Development, Trade & Management.

ESHB 2996 by House Committee on Commerce & Labor (originally sponsored by Representatives Loomis, Dunshee, Simpson and Morrell)

AN ACT Relating to placing averse agents in antifreeze; and adding new sections to chapter 19.94 RCW.

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

SHB 3002 by House Committee on Commerce & Labor (originally sponsored by Representatives Williams, Sells, Ericks, Simpson, Hurst, Loomis, Conway, Liias, VanDeWege, Kenney, Linville and Ormsby)

AN ACT Relating to applying arbitration to bargaining by the state and the Washington state patrol; and amending RCW 41.56.475.

EHB 3047 by Representatives Armstrong, Newhouse and Uptegrove

AN ACT Relating to cost savings on course materials; and amending RCW 28B.10.590.

Referred to Committee on Higher Education.

ESHB 3051 by House Committee on Finance (originally sponsored by Representatives Seaquist, Lantz, Clibborn, Hunter, Liias, Rolfes and Green)

AN ACT Relating to sales and use tax on transportation projects; amending RCW 47.46.060 and 82.14.0455; adding a new section to chapter 82.32 RCW; and adding a new section to chapter 43.135 RCW.

Referred to Committee on Ways & Means.

2SHB 3104 by House Committee on Finance (originally sponsored by Representatives Pedersen, Hankins, Moeller, Walsh, Linville, Takko, Uptegrove, Kessler, Jarrett, Ericks, Wallace, Grant, Eickmeyer, Quall, Clibborn, Dunshee, Lantz, Sullivan, Simpson, Blake, Hunter, Roberts, Rolfes, Williams, Sells, Schual-Berke, Springer, Eddy, Hunt, Hudgins, Santos, Cody, Seaquist, Fromhold, Nelson, McIntire, Chase, Hasegawa, Appleton, Darneille, Haigh, Sommers, Dickerson, Kirby, Wood, Flannigan, Conway, Goodman, Kenney, Kagi, Ormsby, Loomis, McCoy, Barlow, O'Brien, Pettigrew, Morris, Liias and VanDeWege)

AN ACT Relating to expanding rights and responsibilities of all couples recognized as domestic partners under chapter 26.60 RCW; amending RCW 42.17.241, 42.52.040, 43.03.305, 43.185A.010, 43.20B.080, 70.123.020, 70.129.140, 74.42.070, 4.22.020, 5.60.060, 5.66.010, 7.69.020, 7.69B.010, 26.50.010, 4.08.030, 4.08.040, 4.20.046, 28B.15.621, 73.08.005, 72.36.030, 72.36.040, 72.36.050, 72.36.070, 72.36.110, 73.04.120, 73.36.140, 73.04.010, 73.04.115, 26.16.010, 26.16.020, 26.16.030, 26.16.050, 26.16.060, 26.16.070, 26.16.080, 26.16.090, 26.16.095, 26.16.100, 26.16.120, 26.16.140, 26.16.150, 26.16.180, 26.16.190, 26.16.200, 26.16.205, 26.16.210, 26.16.220, 26.16.230, 26.16.240, 26.16.250, 11.84.030, 64.28.010, 64.28.020, 64.28.030, 64.28.040, 9.46.231, 9A.83.030, 69.50.505, 64.06.010, 6.13.020, 6.13.060, 6.13.080, 6.13.180, 6.13.210, 6.13.220, 6.13.230, 26.16.125, 60.04.211, 82.45.010, 84.38.030, 84.38.070, 84.38.130, 84.38.150, 84.36.381, 84.36.041, 84.36.120, 84.36.383, 84.37.080, 7.36.020, 11.88.010, 11.88.040, 11.88.090, 11.88.125, 11.76.080, 11.92.140, 11.94.090, 11.94.100, 11.94.140, 11.02.005, 11.02.070, 11.02.100, 11.02.120, 11.04.095, 11.08.300, 11.10.010, 11.11.010, 11.12.051, 11.12.095, 11.12.180, 11.28.030, 11.28.131, 11.28.185, 11.54.010, 11.54.020, 11.54.030, 11.54.040, 11.54.050, 11.54.070, 11.62.005, 11.62.010, 11.62.030, 11.68.011, 11.80.130, 11.96A.030, 11.96A.120, 11.100.025, 11.04.290, 11.10.030, 11.80.010, 11.80.050, 11.114.010, 26.60.050, 26.09.004, 26.09.010, 26.09.020, 26.09.030, 26.09.040, 26.09.050, 26.09.060, 26.09.070, 26.09.080, 26.09.090, 26.09.100, 26.09.110, 26.09.120, 26.09.170, 26.09.210, 26.09.255, 26.09.280, 26.09.290, 26.09.310, 26.10.050, 26.10.180, 26.12.190, 26.18.010, 26.18.020, 26.18.030, 26.18.040, 26.18.050, 26.18.070, 26.18.090, 26.18.100, 26.18.110, 26.18.120, 26.18.140, 26.18.150, 26.19.071, 26.19.075, 26.20.035, 26.20.071,

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26.20.080, 26.09.015, 26.09.194, 26.12.172, and 26.12.260; reenacting and amending RCW 42.17.020, 11.07.010, 26.09.150, and 26.09.015; adding new sections to chapter 26.60 RCW; adding a new section to chapter 26.18 RCW; creating new sections; providing effective dates; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

HB 3106 by Representative Grant

AN ACT Relating to changing the name of the commission on pesticide registration to the commission on integrated pest management without changing responsibilities or authority of the commission; and amending RCW 15.92.090, 15.92.095, 15.92.100, and 15.92.110.

Referred to Committee on Agriculture & Rural Economic Development.

E2SHB 3123 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Cody, Roberts, Green and Ormsby)

AN ACT Relating to establishing a process to promote evidence-based nurse staffing in hospitals; adding new sections to chapter 70.41 RCW; adding a new section to chapter 72.23 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

E2SHB 3125 by House Committee on Capital Budget (originally sponsored by Representatives Kenney, Haler, Sullivan, Simpson, Barlow, Quall, Kagi, Flannigan, Cody, Nelson, Ormsby, Darneille and Hasegawa)

AN ACT Relating to creating the building communities fund program; amending RCW 43.63A.125; adding new sections to chapter 43.63A RCW; and creating new sections.

Referred to Committee on Ways & Means.

2SHB 3129 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Schmick, Anderson, Quall, Simpson and Ormsby)

AN ACT Relating to support for online learning for high school students to earn college credit; amending RCW 28A.600.320; adding a new section to chapter 28A.300 RCW; and creating new sections.

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

E2SHB 3145 by House Committee on Appropriations (originally sponsored by Representatives Kagi, Haler, Roberts, Walsh, Pettigrew, Dickerson, Conway, Green, Goodman, Kenney, Wood and Ormsby)

AN ACT Relating to implementing a program of tiered classification for foster parent licensing; adding new sections to chapter 74.13 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

ESHB 3166 by House Committee on Education (originally

sponsored by Representatives Sullivan, Priest, Haler, Santos and Ormsby)

AN ACT Relating to the design of the state assessment system and the Washington assessment of student learning; amending RCW 28A.655.070; adding a new section to chapter 28A.655 RCW; and creating new sections.

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

E2SHB 3180 by House Committee on Capital Budget (originally sponsored by Representatives Ormsby, Green, Morrell, Liias, Dunn and Wood)

AN ACT Relating to housing reform policies to achieve greater efficiencies in housing investments; amending RCW 43.180.050 and 84.36.560; reenacting and amending RCW 43.180.070; adding new sections to chapter 43.185 RCW; adding a new section to chapter 43.180 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 3183 by House Committee on Transportation (originally sponsored by Representatives McDonald, Flannigan and Dunn)

AN ACT Relating to exempting park maintenance equipment operated by certain local jurisdictions from vehicle license and license plate requirements; amending RCW 46.16.010; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

E2SHB 3205 by House Committee on Appropriations (originally sponsored by Representatives Jarrett, Walsh, Kagi, Roberts, Hunter, Sullivan, Green, Kelley, Morrell, Chase, McIntire, Seaquist and Kenney)

AN ACT Relating to promoting the long-term well-being of children; amending RCW 13.34.136, 13.34.145, 43.121.185, 43.121.180, 43.121.020, 43.121.015, and 43.15.020; and creating new sections.

Referred to Committee on Ways & Means.

E2SHB 3216 by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Seaquist, Morris, Uptegrove, Hudgins, Loomis, Kelley, Morrell, VanDeWege, Erics, Hankins and Eddy)

AN ACT Relating to hydrokinetic energy; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

2SHB 3227 by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Eickmeyer, Sump, Chase, Quall, Hasegawa, Appleton, Simpson, Haigh, Wallace, Dickerson, Takko, Conway, Pedersen, Kagi, Armstrong, Priest, Walsh, Hinkle, Condotta, McCoy, Roberts, Morris, Hudgins, Rolfes, Lantz, Schual-Berke, Morrell, Campbell, Sells, Sullivan, Kenney and Linville)

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AN ACT Relating to protecting Hood Canal by removing nitrates and phosphates from on-site sewage disposal systems and wastewater treatment plants; amending RCW 70.118B.040; adding a new section to chapter 90.88 RCW; adding a new section to chapter 70.118 RCW; adding a new section to chapter 70.118A RCW; adding a new section to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

ESHB 3259 by House Committee on Finance (originally sponsored by Representatives Hunter, Hudgins, Schual-Berke, Upthegrove and McIntire)

AN ACT Relating to provisions of limited duration that pertain to the financing and operation of port districts; amending RCW 84.55.092 and 53.36.030; creating a new section; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

2SHB 3274 by House Committee on Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representatives Simpson, Hudgins, Upthegrove, Hunter, Santos and Kenney)

AN ACT Relating to improving public contracting for public port districts; amending RCW 53.08.120, 39.30.020, 39.04.010, and 53.12.270; reenacting and amending RCW 39.04.155; adding new sections to chapter 53.08 RCW; adding a new chapter to Title 53 RCW; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

HB 3275 by Representatives Linville, Ericksen, Morris and McIntire

AN ACT Relating to the taxation of grocery distribution cooperatives; and amending RCW 82.04.298.

Referred to Committee on Ways & Means.

EHB 3276 by Representatives Eddy and Warnick

AN ACT Relating to the state horse park; and amending RCW 79A.30.020.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 3281 by Representatives Seaquist, Rolfes, Lantz, Appleton and Santos

AN ACT Relating to public notification of industrial development levies by port districts; and adding a new section to chapter 53.36 RCW.

Referred to Committee on Government Operations & Elections.

SHB 3283 by House Committee on Finance (originally sponsored by Representatives Herrera, Takko, Orcutt, Hurst, Eddy, Sump, Ericks, Fromhold, McCoy, Hudgins, Kelley, Kessler, Dunn, Ormsby, Linville, Roach and McCune)

AN ACT Relating to relieving active duty military personnel of interest and penalties on delinquent excise taxes; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Ways & Means.

SHB 3291 by House Committee on Capital Budget (originally sponsored by Representatives Kelley, Santos, Pettigrew, Cody, Hudgins, Pedersen, Dickerson, Nelson, Quall, Kenney, Sullivan, McIntire, Green and Barlow)

AN ACT Relating to community and surplus schools; amending RCW 43.63A.135 and 28A.525.050; adding a new section to chapter 43.63A RCW; adding a new section to chapter 28A.525 RCW; and creating new sections.

Referred to Committee on Ways & Means.

ESHB 3329 by House Committee on Capital Budget (originally sponsored by Representatives Fromhold, McDonald, Ormsby, Wallace, Alexander, Sells and McIntire)

AN ACT Relating to the prioritization of public four-year institution capital project requests; amending RCW 28B.76.210; adding a new chapter to Title 43 RCW; creating new sections; and repealing RCW 28B.76.220.

Referred to Committee on Ways & Means.

2SHB 3349 by House Committee on Appropriations (originally sponsored by Representatives Ericks, Eddy, Kelley, Conway, Springer and Rolfes)

AN ACT Relating to a sunrise review of the need for single-family residential contractor licensing; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

HJM 4029 by Representatives Liias, Loomis, Ericks, Sells, Rolfes, Seaquist, McCoy, Upthegrove, Hunt, Williams, Linville, Appleton, Smith, Morrell, McIntire and Pearson

Requesting that Congress fund the Northwest Straits Marine Conservation Initiative.

Referred to Committee on Natural Resources, Ocean & Recreation.

HJM 4030 by Representatives Pearson, Clibborn, Morrell, Kristiansen, Smith and Dunn

Requesting the 172nd Street overpass of Interstate 5 in Arlington to be named the "Oliver "Punks" Smith Interchange."

Referred to Committee on Transportation.

#### MOTION

Senator Eide moved that all measures listed on the Introduction and First Reading report be referred to the committees as designated.

#### MOTION

Senator Schoesler moved to amend the motion by Senator Eide to refer Engrossed Third Substitute House Bill No. 1873 to the Committee on Judiciary.

Senator Eide spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Schoesler to amend the motion to refer Engrossed Third Substitute House Bill No. 1873 to the Committee on Judiciary.

Senators Schoesler, Roach and Carrell spoke in favor of the motion.

Senator Brown spoke against the motion.  
The motion by Senator Schoesler failed by voice vote.

#### POINT OF INQUIRY

Senator Schoesler: "Would Senator Brown yield to a question?"

Senator Brown: "No."

The President declared the question before the Senate to be the motion by Senator Eide to refer all measures to the committees as designated.

The motion by Senator Eide carried 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 February 19, 2008."

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 February 19, 2008.

#### MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 6216, by Senators Prentice, Sheldon and Kohl-Welles

Authorizing of the governor to enter into a cigarette tax contract with the Shoalwater Bay Tribe.

The measure was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6216 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Brandland, Senator Benton was excused.

#### MOTION

On motion of Senator Regala, Senator Sheldon was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6216.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6216 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Hobbs - 1

Excused: Senator Sheldon - 1

SENATE BILL NO. 6216, 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. 6580, by Senators Marr, Weinstein, Pridemore, Kauffman, Keiser, McAuliffe, Hobbs, Regala, Kline, Kohl-Welles, Fairley, Oemig, Rockefeller, Prentice and McDermott

Addressing the impacts of climate change through the growth management act.

#### MOTION

On motion of Senator Marr, Substitute Senate Bill No. 6580 was substituted for Senate Bill No. 6580 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Marr moved that the following striking amendment by Senator Marr and others be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature recognizes that the profound implications of a changed climate will affect the peoples, institutions, and economies of Washington. While no single local government can substantially influence greenhouse gas emissions or climate change trends, the legislature recognizes that the state, including its local governments and residents, must do its part to reduce greenhouse gas emissions.

(2) The legislature further recognizes that: (a) Patterns of land use development significantly influence transportation-related greenhouse gas emissions; (b) fossil fuel-based transportation is the largest source of greenhouse gas emissions in Washington; and (c) the state and its residents will not achieve emission reductions established in RCW 80.80.020 without a significant decrease in transportation emissions. To this end, the legislature finds that local land use and state and local transportation plans should be developed to: Minimize greenhouse gas emissions associated with new development and

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transportation improvements; and reduce overall greenhouse gas emissions in accordance with RCW 80.80.020.

(3) The legislature finds that comprehensive land use plans of local governments can be a significant tool for meaningfully addressing these difficult issues. The legislature recognizes that locally adopted plans should: (a) Minimize land use patterns that increase vehicle usage; (b) encourage compact communities, in-filling, denser development, linkages with transit options, and other practices that reduce the number of vehicle miles traveled; and (c) encourage green jobs and the provision of affordable housing in areas near employment and service centers.

(4) The legislature also finds that the effects of global warming are becoming evident in Washington, adversely affecting its residents, economy, and environment. It is critical that Washington and its counties and cities plan to adapt to these adverse effects and take steps to prevent problematic circumstances from becoming worse.

(5) The legislature further finds that addressing land use-related climate issues will simultaneously advance many other land use planning goals and provide public dividends, including: (a) Realizing reductions in the costs of providing public facilities and services through more compact development; (b) increasing housing affordability through lower public costs and more compact patterns of growth; (c) lessening transportation costs through reductions in the number of vehicle miles traveled; and (d) accomplishing goals for the protection of the environmental resources of rural areas and resource lands by reducing sprawl. The legislature also recognizes that alternative fuels, and vehicles that use alternative fuels or have increased efficiencies, will contribute to lessening greenhouse gas emissions and will encourage investment in these fuels, energy sources, and technologies.

(6) Without prompt, effective, and comprehensive responses to the environmental and governance challenges of climate change, meaningful solutions to these borderless issues will continue to elude the state and its residents. The legislature recognizes that many Washington counties and cities have begun to independently address climate change. The legislature further finds that to achieve the state's emission reduction goals, a collaborative effort is needed. This act is the first step toward providing local governments with the tools that are necessary to accomplish the state's emission reduction goals.

**NEW SECTION. Sec. 2.** A new section is added to chapter 36.70A RCW to read as follows:

(1) The department must develop and provide advisory climate change response methodologies, computer modeling programs, and estimates to counties and cities that include a range of methodologies and estimates. The advisory methodologies, computer modeling programs, and estimates must reflect regional and local variations and the diversity of counties and cities planning under this chapter, and, at a minimum, also must:

(a) Identify the greenhouse gas emission reductions that various land use and building measures are estimated to produce. The methodologies developed under this subsection (1)(a) may be expressed as a methodology or a quantification of probable reductions. The methodologies must be capable of considering documented benefits of accommodating growth within urban centers that provide for compact development, appropriate mixes of uses, transit, nonmotorized travel choices, and a balance of employment and housing;

(b) Consider potential policies, regulatory programs, and other measures counties and cities can implement to adapt to the likely adverse effects of global warming. Policies, programs, and measures considered under this subsection (1)(b) must be consistent with the department of ecology's preparation and adaptation work group;

(c) Identify potential measures to reduce greenhouse gas emissions by lessening vehicle travel; and

(d) Estimate the number of vehicle miles traveled.

(2) The department must complete and make available the advisory climate change response methodologies and estimates required by this section by December 1, 2009. These advisory climate change response methodologies and estimates must also

be updated two years before each completion date established in RCW 36.70A.130(4)(a).

(3) In preparing the methodologies and estimates, the department must periodically consult with the advisory team required by section 4(3) of this act.

**NEW SECTION. Sec. 3.** (1) A local government global warming mitigation and adaptation program is established. The program must be administered by the department of community, trade, and economic development. The department must, through a competitive process, select at least three counties and six cities for the program. At least one county and one city selected for the program must have potential to be adversely impacted by global warming through sea-level increases, storms, flooding, or other adverse effects. At least one county and one city must be located east of the crest of the Cascade mountains. At least one county and one city must be located west of the crest of the Cascade mountains and outside the central Puget Sound region. Counties selected must reflect a range of opportunities to address climate change in urbanizing, resource, or agricultural areas. Cities selected must reflect a range of sizes, geographic locations, and variations between those that are highly urbanized and those that are less so and include more residential dwellings than employment positions.

(2) The program is established to assist counties and cities that are addressing climate change through their land use and transportation planning, and those that aspire to do so but lack necessary resources. The department may fund proposals to inventory global warming emissions, mitigate global warming emissions, or adapt to the adverse impacts of global warming using criteria established by the department to accomplish the objectives of this act.

(3) The department must provide grants and technical assistance to aid the selected counties and cities in their efforts to anticipate, mitigate, and adapt to global warming and its associated problems.

(4) The program must conclude by June 30, 2010.

(5) If specific funding for the purposes of this section, referencing this act by bill or chapter number and section number is not provided by June 30, 2008, in the omnibus appropriations act, this section is null and void.

(6) This section expires January 1, 2011, with a report by the department to the governor and the appropriate committees of the house of representatives and the senate on program findings and recommendations.

**NEW SECTION. Sec. 4.** (1) With the use of funds provided by specific appropriation, by December 1, 2008, the department of community, trade, and economic development must provide to the governor and appropriate committees of the house of representatives and the senate, a report that includes: (a) A description of what actions counties and cities are taking to address climate change issues; (b) a recommendation of what changes, if any, to chapter 36.70A RCW and other relevant statutes that would enable state and local governments to address climate change issues through land use and transportation planning processes; (c) an assessment of state and local resources, financial and otherwise, needed to fully implement the recommendations of (b) of this subsection; and (d) recommendations for funding to implement the recommendations of (b) of this subsection that is consistent with the assessment required in (c) of this subsection.

(2) The report must address, as appropriate and with information that is readily available: (a) What counties and cities have voluntarily done to identify the greenhouse gas emissions of their communities, including those created by counties and cities through governmental activities; (b) the range of strategies chosen by jurisdictions to reduce emissions from their own activities and those of the entire community; (c) a description of obstacles and opportunities to achieve emission reductions in a variety of urban and rural areas; and (d) recommendations for statutory amendments, if any, that are necessary to facilitate emission reductions at the county and city levels.

(3) In preparing the report, the department shall convene and consult with an advisory team comprised of the following interests, at a minimum: (a) Two members of each major and

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minor caucus of the house of representatives and the senate; (b) one representative from the office of the governor; (c) one representative from the department of ecology; (d) one representative from the department of community, trade, and economic development; (e) one representative from a city and county from each of the jurisdictional areas of a growth management hearings board; (f) one representative of an association representing real estate interests; (g) one representative from an association representing local government planners; (h) one representative from a nonprofit entity with experience in growth management and land use planning issues; (i) one representative from a statewide business association; and (j) one representative from a nonprofit entity with experience in climate change issues. With the exceptions of (a) of this subsection, which shall be appointed by the president of the senate and the speaker of the house of representatives, (b) of this subsection, which shall be nominated by the governor, and (c) of this subsection, which shall be nominated by the department of ecology, nominations from appropriate organizations shall be submitted to the climate advisory team by July 1, 2008.

(4) This section expires December 31, 2008.

**NEW SECTION. Sec. 5.** This act is not intended to amend or affect chapter 353, Laws of 2007."

Senators Marr and Brown spoke in favor of adoption of the striking amendment.

Senators Honeyford, Parlette, Holmquist and Morton spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Marr and others to Substitute Senate Bill No. 6580.

The motion by Senator Marr carried and the striking amendment was adopted by a rising voice vote.

#### MOTION

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

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "adding a new section to chapter 36.70A RCW; creating new sections; and providing expiration dates."

#### MOTION

On motion of Senator Marr, the rules were suspended, Engrossed Substitute Senate Bill No. 6580 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr, Kastama and Sheldon spoke in favor of passage of the bill.

Senators Zarelli, Hargrove, Honeyford, Hewitt, Roach and Pflug 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. 6580.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6580 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 31

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli - 18

ENGROSSED SUBSTITUTE SENATE BILL NO. 6580, 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. 6231, by Senators Jacobsen and Shin

Improving the coordination of marine protected areas.

#### MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 6231 was substituted for Senate Bill No. 6231 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 6231 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton 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. 6231.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6231 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6231, 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. 6933, by Senators Marr, Hargrove, Hewitt, Franklin, Pflug, Carrell, Berkey, Kauffman, Haugen, McCaslin, Rockefeller, Fraser and Kilmer

Changing rules concerning admissibility of evidence in sex offense cases.

#### MOTIONS

On motion of Senator Marr, Substitute Senate Bill No. 6933 was substituted for Senate Bill No. 6933 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Substitute Senate Bill No. 6933 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr 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. 6933.

#### ROLL CALL

The Secretary called the roll on the final passage of

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Substitute Senate Bill No. 6933 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6933, 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. 6851, by Senators Prentice and Haugen

Concerning the documentation required in order to obtain a real estate excise tax exemption at the time of inheritance.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6851 was substituted for Senate Bill No. 6851 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6851 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6851.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6851 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Delvin - 1

Excused: Senator Fairley - 1

SUBSTITUTE SENATE BILL NO. 6851, 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. 6224, by Senator Keiser

Modifying vendor overpayment provisions. Revised for 1st Substitute: Modifying the interest accrual methodology for vendor overpayments.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6224 was substituted for Senate Bill No. 6224 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6224 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Delvin was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6224.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6224 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Delvin - 1

SUBSTITUTE SENATE BILL NO. 6224, 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. 6235, by Senators Haugen and Keiser

Addressing public works procurement.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 6235 was substituted for Senate Bill No. 6235 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Haugen moved that the following striking amendment by Senator Haugen and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.04.155 and 2007 c 218 s 87, 2007 c 210 s 1, and 2007 c 133 s 4 are each reenacted and amended to read as follows:

(1) This section provides uniform small works roster provisions to award contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of real property that may be used by state agencies and by any local government that is expressly authorized to use these provisions. These provisions may be used in lieu of other procedures to award contracts for such work with an estimated cost of two hundred thousand dollars or less. The small works roster process includes the limited public works process authorized under subsection (3) of this section and any local government authorized to award contracts using the small works roster process under this section may award contracts using the limited public works process under subsection (3) of this section.

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(2)(a) A state agency or authorized local government may create a single general small works roster, or may create a small works roster for different specialties or categories of anticipated work. Where applicable, small works rosters may make distinctions between contractors based upon different geographic areas served by the contractor. The small works roster or rosters shall consist of all responsible contractors who have requested to be on the list, and where required by law are properly licensed or registered to perform such work in this state. A state agency or local government establishing a small works roster or rosters may require eligible contractors desiring to be placed on a roster or rosters to keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the state agency or local government as a condition of being placed on a roster or rosters. At least once a year, the state agency or local government shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. In addition, responsible contractors shall be added to an appropriate roster or rosters at any time they submit a written request and necessary records. Master contracts may be required to be signed that become effective when a specific award is made using a small works roster.

(b) A state agency establishing a small works roster or rosters shall adopt rules implementing this subsection. A local government establishing a small works roster or rosters shall adopt an ordinance or resolution implementing this subsection. Procedures included in rules adopted by the department of general administration in implementing this subsection must be included in any rules providing for a small works roster or rosters that is adopted by another state agency, if the authority for that state agency to engage in these activities has been delegated to it by the department of general administration under chapter 43.19 RCW. An interlocal contract or agreement between two or more state agencies or local governments establishing a small works roster or rosters to be used by the parties to the agreement or contract must clearly identify the lead entity that is responsible for implementing the provisions of this subsection.

(c) Procedures shall be established for securing telephone, written, or electronic quotations from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to the lowest responsible bidder as defined in RCW 39.04.010. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation. This subsection does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes. Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. However, if the estimated cost of the work is from one hundred thousand dollars to two hundred thousand dollars, a state agency or local government (~~other than a port district~~) that chooses to solicit bids from less than all the appropriate contractors on the appropriate small works roster must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The government has the sole option of determining whether this notice to the remaining contractors is made by: (i) Publishing notice in a legal newspaper in general circulation in the area where the work is to be done; (ii) mailing a notice to these contractors; or (iii) sending a notice to these contractors by facsimile or other electronic means. For purposes of this subsection (2)(c), "equitably distribute" means that a state agency or local government soliciting bids may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

(d) A contract awarded from a small works roster under this section need not be advertised.

(e) Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

(3) In lieu of awarding contracts under subsection (2) of this section, a state agency or authorized local government may award a contract for work, construction, alteration, repair, or improvement projects estimated to cost less than thirty-five thousand dollars using the limited public works process provided under this subsection. Public works projects awarded under this subsection are exempt from the other requirements of the small works roster process provided under subsection (2) of this section and are exempt from the requirement that contracts be awarded after advertisement as provided under RCW 39.04.010.

For limited public works projects, a state agency or authorized local government shall solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 39.04.010. After an award is made, the quotations shall be open to public inspection and available by electronic request. A state agency or authorized local government shall attempt to distribute opportunities for limited public works projects equitably among contractors willing to perform in the geographic area of the work. A state agency or authorized local government shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded. For limited public works projects, a state agency or authorized local government may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, material suppliers, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project, however the state agency or authorized local government shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

(4) The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process or limited public works process.

(5)(a) A state agency or authorized local government may use the limited public works process of subsection (3) of this section to solicit and award small works roster contracts to small businesses that are registered contractors with gross revenues under one million dollars annually as reported on their federal tax return.

(b) A state agency or authorized local government may adopt additional procedures to encourage small businesses that are registered contractors with gross revenues under two hundred fifty thousand dollars annually as reported on their federal tax returns to submit quotations or bids on small works roster contracts.

(6) As used in this section, "state agency" means the department of general administration, the state parks and recreation commission, the department of natural resources, the department of fish and wildlife, the department of transportation, any institution of higher education as defined under RCW 28B.10.016, and any other state agency delegated authority by the department of general administration to engage in construction, building, renovation, remodeling, alteration, improvement, or repair activities.

**Sec. 2.** RCW 39.30.020 and 1974 ex.s. c 74 s 1 are each amended to read as follows:

In addition to any other remedies or penalties contained in any law, municipal charter, ordinance, resolution, or other enactment, any municipal officer by or through whom or under whose supervision, in whole or in part, any contract is made in

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willful and intentional violation of any law, municipal charter, ordinance, resolution, or other enactment requiring competitive bidding or procurement procedures for public work consultant services, upon such contract shall be held liable to a civil penalty of not less than three hundred dollars and may be held liable, jointly and severally with any other such municipal officer, for all consequential damages to the municipal corporation. If, as a result of a criminal action, the violation is found to have been intentional, the municipal officer shall immediately forfeit his office. For purposes of this section, "municipal officer" (~~shall~~) means an "officer" or "municipal officer" as those terms are defined in RCW 42.23.020(2).

**Sec. 3.** RCW 39.80.010 and 1981 c 61 s 1 are each amended to read as follows:

The legislature hereby establishes a state policy, to the extent provided in this chapter, that governmental agencies publicly announce requirements for architectural (~~and~~), engineering, and other construction-related services, and negotiate contracts for architectural (~~and~~), engineering, and other construction-related services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

**Sec. 4.** RCW 39.80.020 and 1999 c 153 s 55 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "State agency" means any department, agency, commission, bureau, office, or any other entity or authority of the state government.

(2) "Local agency" means any city and any town, county, special district, municipal corporation, agency, port district or authority, or political subdivision of any type, or any other entity or authority of local government in corporate form or otherwise.

(3) "Special district" means a local unit of government, other than a city, town, or county, authorized by law to perform a single function or a limited number of functions, and including but not limited to, water-sewer districts, irrigation districts, fire districts, school districts, community college districts, hospital districts, transportation districts, and metropolitan municipal corporations organized under chapter 35.58 RCW.

(4) "Agency" means both state and local agencies and special districts as defined in subsections (1), (2), and (3) of this section.

(5) "Architectural and engineering services" (~~or professional services~~) means professional services rendered by any person, other than as an employee of the agency, contracting to perform activities within the scope of the general definition of professional practice in chapters 18.08, 18.43, or 18.96 RCW.

(6) "Other construction-related services" means consultant services provided by any person, other than as an employee of the agency, in connection with and furtherance of any public work for project management, construction supervision, or construction management. Other construction-related services do not include architectural and engineering services, legal services, accounting or auditing services, claims consultant services, or other similar services that may be required in connection with any public work.

(7) "Public work" has the meaning set forth in RCW 39.04.010.

(8) "Public work consultant services" means architectural, engineering, and other construction-related services provided by a consultant.

(9) "Person" means any individual, organization, group, association, partnership, firm, joint venture, corporation, or any combination thereof.

~~((7))~~ (10) "Consultant" means any person providing (~~professional~~) architectural, engineering, or other construction-related consultant services who is not an employee of the agency for which the services are provided.

~~((8))~~ (11) "Application" means a completed statement of qualifications together with a request to be considered for the award of one or more contracts for professional services.

**Sec. 5.** RCW 39.80.030 and 1981 c 61 s 3 are each amended to read as follows:

Each agency shall publish in advance that agency's requirement for (~~professional~~) public work consultant services. The announcement shall state concisely the general scope and nature of the project or work for which the services are required and the address of a representative of the agency who can provide further details. An agency may comply with this section by: (1) Publishing an announcement on each occasion when (~~professional~~) public work consultant services provided by a consultant are required by the agency; or (2) announcing generally to the public its projected requirements for any category or type of (~~professional~~) public work consultant services.

**Sec. 6.** RCW 39.80.040 and 1981 c 61 s 4 are each amended to read as follows:

(1) In the procurement of (~~architectural and engineering~~) public work consultant services, the agency shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with one or more firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, based upon criteria established by the agency, the firm deemed to be the most highly qualified to provide the services required for the proposed project. Such agency procedures and guidelines shall include a plan to insure that minority and women-owned firms are afforded the maximum practicable opportunity to compete for and obtain public contracts for services. The level of participation by minority and women-owned firms shall be consistent with their general availability within the professional communities involved.

(2) In the procurement of public work consultant planning services relating to a facility outside of the district's jurisdictional boundaries, after the district purchases property for the facility, the port district or districts with responsibility for the future property development and use must make available to the public in the affected area information about:

(a) The type and scale of proposed uses on the site;

(b) The type and scale of business and industrial activities the development is likely to later attract to the site and to the nearby area;

(c) The general character and scope of impacts on air quality, noise, water resources, and recreation; and

(d) The expected impacts on local and state transportation infrastructure, including state highways, local roads, rail, shipping, and air service. Such information must be made available throughout both the planning and design phases by means of web pages, office inspection and copying, one or more property tours, and public meetings which allow interested citizens to comment to port officials on several occasions over time as the development plans evolve.

**Sec. 7.** RCW 39.80.050 and 1981 c 61 s 5 are each amended to read as follows:

(1) The agency shall negotiate a contract with the most qualified firm for (~~architectural and engineering~~) public work consultant services at a price which the agency determines is fair and reasonable to the agency. In making its determination, the agency shall take into account the estimated value of the services to be rendered as well as the scope, complexity, and professional nature thereof.

(2) If the agency is unable to negotiate a satisfactory contract with the firm selected at a price the agency determines to be fair and reasonable, negotiations with that firm shall be formally terminated and the agency shall select other firms in accordance with RCW 39.80.040 and continue in accordance with this section until an agreement is reached or the process is terminated.

**Sec. 8.** RCW 53.08.120 and 2000 c 138 s 210 are each amended to read as follows:

All material required by a port district may be procured in the open market or by contract and all public work, as defined in RCW 39.04.010, ordered may be done by contract or day labor.

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All such contracts for public work, the estimated cost of which exceeds two hundred thousand dollars, shall be let at public bidding upon notice published in a newspaper of general circulation in the district at least thirteen days before the last date upon which bids will be received, calling for sealed bids upon the work, plans and specifications for which shall then be on file in the office of the commission for public inspection. The same notice may call for bids on such work or material based upon plans and specifications submitted by the bidder. The competitive bidding requirements for purchases or public works may be waived pursuant to RCW 39.04.280 if an exemption contained within that section applies to the purchase or public work.

However, a port district may let contracts using the small works roster process under RCW 39.04.155 in lieu of calling for sealed bids. Whenever possible, the managing official shall invite at least one proposal from a minority contractor who shall otherwise qualify under this section.

When awarding such a contract for public work, when utilizing proposals from the small works roster, the managing official shall give weight to the contractor submitting the lowest and best proposal, and whenever it would not violate the public interest, such contracts shall be distributed equally among contractors, including minority contractors, on the small works roster.

**NEW SECTION. Sec. 9.** A new section is added to chapter 53.08 RCW to read as follows:

A port district shall specifically comply with chapter 39.80 RCW in the procurement of all architectural, engineering, and other construction-related services, as those terms are defined in RCW 39.80.020.

**Sec. 10.** RCW 53.12.270 and 1975 1st ex.s. c 12 s 1 are each amended to read as follows:

(1) The commission may delegate to the managing official of a port district such administrative powers and duties of the commission as it may deem proper for the efficient and proper management of port district operations. Any such delegation shall be authorized by appropriate resolution of the commission, which resolution must also establish guidelines and procedures for the managing official to follow.

(2) The commission shall establish, by resolution, policies to comply with RCW 39.04.280 that set forth the conditions by which competitive bidding requirements for public works contracts may be waived.

Senator Haugen spoke in favor of adoption of the striking amendment.

#### MOTION

On motion of Senator Brandland, Senators Hewitt and Zarelli were excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Haugen and others to Substitute Senate Bill No. 6235.

The motion by Senator Haugen 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 "districts;" strike the remainder of the title and insert "amending RCW 39.30.020, 39.80.010, 39.80.020, 39.80.030, 39.80.040, 39.80.050, 53.08.120, and 53.12.270; reenacting and amending RCW 39.04.155; and adding a new section to chapter 53.08 RCW."

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6235 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6235.

#### PARLIAMENTARY INQUIRY

Senator Benton: "Thank you Mr. President. I'd like to have a little information on this. There's been a striker put on our desk that completely changes the bill it would appear at least it looks like that from this striker. Haven't had a chance to even read the striker yet, the maker of the motion hasn't explained the bill at all or what it's suppose to do, very vague around the edges kind of stuff. I was just hoping that somebody that sits on this committee that saw this bill can tell us exactly what it does. It affects school districts bidding procedures and architectural design for school districts and so I know that that's a big problem for school districts as the cost of construction and so is this going to increase the construction cost for school districts? Perhaps I could ask the gentle lady from the tenth to give us a little better explanation of exactly what we're trying to change in the law and why?"

#### REMARKS BY SENATOR HAUGEN

Senator Haugen: Thank you Mr. President. I apologize. I don't know if you've read the State Auditor's report or not and when we decided to take a look at this issue we realized that the State Auditor would be doing audits of school districts and all the other kinds of special districts across the state and so we actually wanted to make sure that the statute was clear exactly what they are going to be doing. We talked to the school districts. They came forward with some language to clean up. We've talked to the cities. They've come forward and cleaned up the language. This actually is what the State Auditor recommended. Now, if cities and counties have a problem with it, they're going to have a problem with the State Auditor. So, this is just trying to address the legitimate concerns that the State Auditor raised dealing with the procurement process that was used by the Port of Seattle but I can't tell you one jurisdiction from another so we thought we needed to be consistent and clean up everybody's statute so everybody's working the same. So, it's a good faith effort to try to address I consider a legitimate issue. There were problems within the way the statutes were written. This cleans it up."

Senator Kastama spoke against passage of the bill.

#### PERSONAL PRIVILEGE

Senator Roach: "Well, Mr. President, on some of the amendments that we get delivered to us here on the floor after the amendment is written there is an effect clause on it and I realize there are no rules that you have to do that kind of thing but would it be possible right now for me ask the members on these complicated bills where there...We thank you. I appreciate it. We're only just now seeing it. It's a complicated issue and I appreciate it if we could at least have some brief explanation on the longer more entailed bills. Thank you Mr. President."

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6235 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 1;

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Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom, Weinstein and Zarelli - 33

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Holmquist, Honeyford, Kastama, King, McCaslin, Morton, Parlette, Roach, Schoesler, Stevens and Swecker - 15

Absent: Senator Murray - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6235, 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. 6237, by Senators Kilmer, Haugen, Shin, McCaslin, Rasmussen, Hobbs and Marr

Modifying armed forces provisions.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, the rules were suspended, Senate Bill No. 6237 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer, Kauffman and Shin spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Murray was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6237.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6237 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Murray - 1

SENATE BILL NO. 6237, 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. 6358, by Senators Regala, Stevens, Hargrove, Marr, Roach, Kohl-Welles and Kilmer

Adding child care providers, volunteers, and employees to the definition of "predatory" perpetrators for the purposes of filing a special allegation.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 6358 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

MOTION

On motion of Senator Hobbs, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6358.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6358 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and Murray - 2

SENATE BILL NO. 6358, 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. 6447, by Senators Hobbs, Jacobsen, Shin and Rasmussen

Allowing unpaid leaves of absence for military personnel needs.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Senate Bill No. 6447 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Jacobsen 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. 6447.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6447 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and Murray - 2

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SENATE BILL NO. 6447, 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. 6694, by Senators Murray and Kohl-Welles

Adjusting the fee for approval of statements of intent to pay prevailing wages and certification of affidavits of wages paid to forty dollars.

The measure was read the second time.

## MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 6694 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.

## MOTION

On motion of Senator Hobbs, Senator Regala was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6694.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6694 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McDermott, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 30

Voting nay: Senators Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McAuliffe, McCaslin, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 17

Excused: Senators Kline and Murray - 2

SENATE BILL NO. 6694, 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.

SUBSTITUTE SENATE BILL NO. 5010, by Senate Committee on Ways & Means (originally sponsored by Senators Honeyford and Hewitt).

Creating a state park foster home pass.

The bill was read on Third Reading.

## MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5010 was returned to second reading for the purpose of amendment.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 5010, by Senate Committee on Ways & Means (originally sponsored by Senators Honeyford and Hewitt)

Creating a state park foster home pass.

The measure was read the second time.

## MOTION

Senator Honeyford moved that the following striking amendment by Senator Honeyford be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79A.05.065 and 2007 c 441 s 1 are each amended to read as follows:

(1)(a) The commission shall grant to any person who meets the eligibility requirements specified in this section a senior citizen's pass which shall: (i) Entitle such a person, and members of his or her camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission(♣); and (ii) entitle such a person to free admission to any state park.

(b) The commission shall grant a senior citizen's pass to any person who applies for the ~~((same))~~ senior citizen's pass and who meets the following requirements:

(i) The person is at least sixty-two years of age; ~~((and))~~

(ii) The person is a domiciliary of the state of Washington and meets reasonable residency requirements prescribed by the commission; and

(iii) The person and his or her spouse have a combined income ~~((which))~~ that would qualify the person for a property tax exemption pursuant to RCW 84.36.381. The financial eligibility requirements of this subsection (1)(b)(iii) ~~((shall))~~ apply regardless of whether the applicant for a senior citizen's pass owns taxable property or has obtained or applied for such property tax exemption.

(c) Each senior citizen's pass granted pursuant to this section is valid ~~((so))~~ as long as the senior citizen meets the requirements of (b)(ii) of this subsection. ~~((Notwithstanding, any))~~ A senior citizen meeting the eligibility requirements of this section may make a voluntary donation for the upkeep and maintenance of state parks.

(d) A holder of a senior citizen's pass shall surrender the pass upon request of a commission employee when the employee has reason to believe the holder fails to meet the criteria in (b) of this subsection. The holder shall have the pass returned upon providing proof to the satisfaction of the director ~~((of the parks and recreation commission))~~ that the holder ~~((does))~~ meets the eligibility criteria for obtaining the senior citizen's pass.

(2)(a) Any resident of Washington who is disabled as defined by the social security administration and who receives social security benefits for that disability, or any other benefits for that disability from any other governmental or nongovernmental source, or who is entitled to benefits for permanent disability under RCW 71A.10.020(3) due to unemployability full time at the minimum wage, or who is legally blind or profoundly deaf, or who has been issued a card, decal, or special license plate for a permanent disability under RCW 46.16.381 shall be entitled to receive, regardless of age and upon making application therefor, a disability pass at no cost to the holder. The pass shall: (i) Entitle such a person, and members of his or her camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission(♣); and (ii) entitle such a person to free admission to any state park.

(b) A card, decal, or special license plate issued for a permanent disability under RCW 46.16.381 may serve as a pass for the holder to entitle that person and members of the person's camping unit to a fifty percent reduction in the campsite rental fee prescribed by the commission, and to allow the holder free admission to state parks.

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(3) Any resident of Washington who is a veteran and has a service-connected disability of at least thirty percent shall be entitled to receive a lifetime veteran's disability pass at no cost to the holder. The pass shall: (a) Entitle such a person, and members of his or her camping unit, to free use of any campsite within any state park; (b) entitle such a person to free admission to any state park; and (c) entitle such a person to an exemption from any reservation fees.

(4)(a) Any Washington state resident who provides out-of-home care to a child, as either a licensed foster-family home or a person related to the child, is entitled to a foster home pass.

(b) An applicant for a foster home pass must request a pass in the manner required by the commission. Upon receipt of a properly submitted request, the commission shall verify with the department of social and health services that the applicant qualifies under (a) of this subsection. Once issued, a foster home pass is valid for the period, which may not be less than one year, designated by the commission.

(c) When accompanied by a child receiving out-of-home care from the pass holder, a foster home pass: (i) Entitles such a person, and members of his or her camping unit, to free use of any campsite within any state park; and (ii) entitles such a person to free admission to any state park.

(d) For the purposes of this subsection (4):

(i) "Out-of-home care" means placement in a foster-family home or with a person related to the child under the authority of chapter 13.32A, 13.34, or 74.13 RCW;

(ii) "Foster-family home" has the same meaning as defined in RCW 74.15.020; and

(iii) "Person related to the child" means those persons referred to in RCW 74.15.020(2)(a) (i) through (vi).

(5) All passes issued pursuant to this section ((shall be)) are valid at all parks any time during the year. However, the pass ((shall)) is not ((be)) valid for admission to concessionaire operated facilities.

((5)) (6) The commission shall negotiate payment and costs, to allow holders of a foster home pass free access and usage of park campsites, with the following nonoperated, nonstate-owned parks: Central Ferry, Chief Timothy, Crow Butte, and Lyons Ferry. The commission shall seek state general fund reimbursement on a biennial basis.

(7) The commission may deny or revoke any Washington state park pass issued under this section for cause, including but not limited to the following:

(a) Residency outside the state of Washington;

(b) Violation of laws or state park rules resulting in eviction from a state park;

(c) Intimidating, obstructing, or assaulting a park employee or park volunteer who is engaged in the performance of official duties;

(d) Fraudulent use of a pass;

(e) Providing false information or documentation in the application for a state parks pass;

(f) Refusing to display or show the pass to park employees when requested; or

(g) Failing to provide current eligibility information upon request by the agency or when eligibility ceases or changes.

((6)) (8) This section shall not affect or otherwise impair the power of the commission to continue or discontinue any other programs it has adopted for senior citizens.

((7)) (9) The commission may engage in a mutually agreed upon reciprocal or discounted program for all or specific pass programs with other outdoor recreation agencies.

((8)) (10) The commission shall adopt ((such)) those rules as it finds appropriate for the administration of this section. Among other things, ((such)) the rules shall prescribe a definition of "camping unit" which will authorize a reasonable number of persons traveling with the person having a pass to stay at the campsite rented by such a person, a minimum Washington residency requirement for applicants for a senior citizen's pass, and an application form to be completed by applicants for a senior citizen's pass."

Senator Honeyford 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 Senator Honeyford to Substitute Senate Bill No. 5010.

The motion by Senator Honeyford 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 "pass;" strike the remainder of the title and insert "and amending RCW 79A.05.065."

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 5010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford 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. 5010.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5010 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 46

Absent: Senators Hewitt and Zarelli - 2

Excused: Senator Murray - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5010, 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 sixth order of business.

SECOND READING

SENATE BILL NO. 6753, by Senators Fraser, Swecker, Rockefeller and Pridemore

Regarding changes in calling burn bans for solid fuel burning devices.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 6753 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser, Honeyford and Brandland spoke in favor of passage of the bill.

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MOTION

On motion of Senator Brandland, Senators Hewitt and Zarelli were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6753.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6753 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Murray - 1

SENATE BILL NO. 6753, 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. 6847, by Senators Weinstein, Delvin, Haugen and Shin

Regulating real estate settlement services.

#### MOTIONS

On motion of Senator Weinstein, Substitute Senate Bill No. 6847 was substituted for Senate Bill No. 6847 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Weinstein, the rules were suspended, Substitute Senate Bill No. 6847 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein and Delvin 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. 6847.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6847 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Murray - 1

SUBSTITUTE SENATE BILL NO. 6847, 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

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SENATE BILL NO. 5179, by Senators Kastama and Rasmussen

Regarding the operation of snowmobiles. Revised for 1st Substitute: Modifying snowmobile registration provisions.

#### MOTION

On motion of Senator Kastama, Substitute Senate Bill No. 5179 was substituted for Senate Bill No. 5179 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

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

On page 2, beginning on line 21, after "fee" strike "as determined by the commission" and insert "((as determined by the commission))"

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 Senator Kastama on page 2, line 21 to Substitute Senate Bill No. 5179.

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

#### MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 5179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Morton and Parlette 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. 5179.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5179 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Murray - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5179, 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 Kohl-Welles, Rockefeller, Franklin and Tom

Addressing cigarette ignition propensity.

#### MOTIONS

On motion of Senator Kohl-Welles, Second Substitute Senate Bill No. 5642 was substituted for Senate Bill No. 5642

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and the second substitute bill was placed on the second reading and read the second time.

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

Senators Kohl-Welles, Roach and Holmquist 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. 5642.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5642 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Voting nay: Senator Holmquist - 1

Excused: Senator Murray - 1

SECOND SUBSTITUTE 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.

MOTION

At 12:09 p.m., on motion of Senator Eide, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:15 p.m. by President Pro Tempore.

MOTION

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

MESSAGE FROM THE HOUSE

February 18, 2008

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED HOUSE BILL NO. 2476,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2647,

SUBSTITUTE HOUSE BILL NO. 2690,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2693,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2864,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

3139,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3254,

ENGROSSED HOUSE BILL NO. 3360,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth

order of business.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9365, Joyce Westgard, as a member of the Professional Educator Standards Board, be confirmed.

Senator Marr spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Benton, Hewitt and Holmquist were excused.

MOTION

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

APPOINTMENT OF JOYCE WESTGARD

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9365, Joyce Westgard as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9365, Joyce Westgard as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Holmquist, Murray and Pridemore - 4

Gubernatorial Appointment No. 9365, Joyce Westgard, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9286, Lori Blanchard, as a member of the Professional Educator Standards Board, be confirmed.

Senator Marr spoke in favor of the motion.

APPOINTMENT OF LORI BLANCHARD

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9286, Lori Blanchard as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9286, Lori Blanchard as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 47;

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Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Murray - 2

Gubernatorial Appointment No. 9286, Lori Blanchard, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

## SECOND READING

SENATE BILL NO. 6242, by Senator Spanel

Addressing pesticide registration and license fees.

The measure was read the second time.

## MOTION

On motion of Senator Spanel, the rules were suspended, Senate Bill No. 6242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Spanel spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6242.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6242 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McDermott, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Tom and Weinstein - 31

Voting nay: Senators Carrell, Delvin, Hewitt, Holmquist, Honeyford, Kastama, King, McAuliffe, McCaslin, Morton, Parlette, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 16

Excused: Senators Brown and Murray - 2

SENATE BILL NO. 6242, 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. 6560, by Senators Honeyford, Morton, Delvin and Swecker

Regarding public utility district contracts. Revised for 1st Substitute: Increasing public utility district bid limits.

## MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 6560 was substituted for Senate Bill No. 6560 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Rockefeller moved that the following striking amendment by Senator Rockefeller be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that public utility districts provide customer-owned, nonprofit utility services throughout Washington state. The legislature further finds that statutory bid limits for public utility districts have not been increased to address inflation and dramatic cost increases in construction materials. The legislature further finds that existing bid limits and high construction material costs often preclude public utility districts from maintaining and repairing their utility infrastructure, providing training and experience to utility workers, and accommodating high contract administrative costs. The legislature further finds that existing bid limits result in increased costs to both public utility districts and utility customers. Therefore, it is the intent of the legislature to amend the bid limits for public utility districts to address inflation and increased material costs.

Sec. 2. RCW 54.04.070 and 2002 c 72 s 2 are each amended to read as follows:

(1) Any item, or items of the same kind of materials, equipment, or supplies purchased, the estimated cost of which is in excess of ~~((ten))~~ fifteen thousand dollars, exclusive of sales tax, shall be by contract ~~((- PROVIDED, That))~~. However, a district may make purchases of the same kind of items of materials, equipment, and supplies not exceeding ~~((five))~~ seven thousand five hundred dollars in any calendar month without a contract, purchasing any excess thereof over ~~((five))~~ seven thousand five hundred dollars by contract.

(2) Any work ordered by a district commission, the estimated cost of which is in excess of ~~((ten))~~ twenty-five thousand dollars, exclusive of sales tax, shall be by contract ~~((; except that))~~. However, a district commission may have its own regularly employed personnel perform work which is an accepted industry practice under prudent utility management without a contract. For purposes of this section, "prudent utility management" means performing work with regularly employed personnel utilizing material of a worth not exceeding one hundred fifty thousand dollars in value without a contract ~~((; PROVIDED, That such))~~. This limit on the value of material being utilized in work being performed by regularly employed personnel shall not include the value of individual items of equipment purchased or acquired and used as one unit of a project.

(3) Before awarding ~~((such))~~ a contract required under subsection (1) or (2) of this section, the commission shall publish a notice once or more in a newspaper of general circulation in the district at least thirteen days before the last date upon which bids will be received, inviting sealed proposals for the work or materials ~~((;))~~. Plans and specifications ((of which)) for the work or materials shall at the time of ((the)) publication be on file at the office of the district and subject to public inspection. Any published notice ordering work to be performed for the district shall be mailed at the time of publication to any established trade association which files a written request with the district to receive such notices. The commission may, at the same time and as part of the same notice, invite tenders for the work or materials upon plans and specifications to be submitted by the bidders.

~~((All contract projects equal to or in excess of one hundred thousand dollars shall be let by))~~ (4) As an alternative to the competitive bidding ~~((unless the public utility))~~ requirements of this section and RCW 54.04.080, a district may let ~~((s))~~ contracts using the small works roster process under RCW 39.04.155.

(5) Whenever equipment or materials required by a district are held by a governmental agency and are available for sale but such agency is unwilling to submit a proposal, the commission may ascertain the price of such items and file a statement of such price supported by the sworn affidavit of one member of the commission, and may consider such price as a bid without a deposit or bond.

(6) Pursuant to RCW 39.04.280, the commission may waive the competitive bidding requirements of this section ~~((pursuant to RCW 39.04.280))~~ and RCW 54.04.080 if an exemption

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contained within ~~(that section)~~ RCW 39.04.280 applies to the purchase or public work.

**Sec. 3.** RCW 54.04.082 and 2002 c 72 s 1 are each amended to read as follows:

For the awarding of a contract to purchase any item, or items of the same kind of materials, equipment, or supplies in an amount exceeding ~~((ten))~~ fifteen thousand dollars, but less than ~~((fifty))~~ sixty thousand dollars, exclusive of sales tax, the commission may, in lieu of the procedure described in RCW 54.04.070 and 54.04.080 requiring public notice to invite sealed proposals for such materials, equipment, or supplies, pursuant to commission resolution use the process provided in RCW 39.04.190. Waiver of the deposit or bid bond required under RCW 54.04.080 may be authorized by the commission in securing such bid quotations."

Senator Rockefeller spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Rockefeller to Substitute Senate Bill No. 6560.

The motion by Senator Rockefeller 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 "contracts;" strike the remainder of the title and insert "amending RCW 54.04.070 and 54.04.082; and creating a new section."

#### MOTION

On motion of Senator Honeyford the rules were suspended, Engrossed Substitute Senate Bill No. 6560 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Keiser and Rockefeller spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6560.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6560 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Voting nay: Senators Carrell, McCaslin and Morton - 3

Excused: Senators Murray and Prentice - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6560, 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.

The President assumed the chair

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Honorable Ambassador, Gao Zhansheng, Consul General of the People's Republic of China from the San Francisco consulate and other members of a Chinese delegation who were seated in the gallery.

#### SECOND READING

SENATE BILL NO. 6710, by Senators Keiser and Marr

Modifying the fire protection standards for hospitals.

#### MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 6710 was substituted for Senate Bill No. 6710 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. 6710 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Holmquist 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. 6710.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6710 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Jacobsen - 1

Excused: Senator Murray - 1

SUBSTITUTE SENATE BILL NO. 6710, 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. 6805, by Senators Haugen, Rasmussen, McAuliffe, Kline and Kohl-Welles

Promoting farmland preservation and environmental restoration through conservation markets. Revised for 1st Substitute: Promoting farm and forest land preservation and restoration through conservation markets.

#### MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 6805 was substituted for Senate Bill No. 6805 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 6805 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6805.

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## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6805 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Murray - 1

SUBSTITUTE SENATE BILL NO. 6805, 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. 5271, by Senators Pridemore, Benton, Kline, Swecker, Roach and Rasmussen

Modifying when a special election may be held.

## MOTION

On motion of Senator Pridemore, Second Substitute Senate Bill No. 5271 was substituted for Senate Bill No. 5271 and the second substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Pridemore moved that the following striking amendment by Senator Pridemore be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.04.321 and 2006 c 344 s 2 are each amended to read as follows:

(1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, and district officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A statewide general election shall be held on the first Tuesday after the first Monday of November of each year. However, the statewide general election held in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29A.04.330, or as otherwise provided by law; (b) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the Congress of the United States; (c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (d) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (e) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate.

(2) A county legislative authority may call a special county election by presenting a resolution to the county auditor prior to the proposed election date. (~~Except as provided in subsection (4) of this section.~~) A special election called by the county

legislative authority shall be held on one of the following dates as decided by such governing body:

(a) The ~~((first))~~ second Tuesday ~~((after the first Monday))~~ in February;

(b) ~~((The second Tuesday in March;~~

~~—(c))~~ The fourth Tuesday in April;

~~((d) The third Tuesday in May;~~

~~—(e))~~ (c) The day of the primary as specified by RCW 29A.04.311; or

~~((f))~~ (d) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) ~~((through (d)))~~ and (b) of this section must be presented to the county auditor at least ~~((fifty-two))~~ forty-five days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2) ~~((c))~~ (c) or ~~((f))~~ (d) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

(4) In addition to the dates set forth in subsection (2)(a) through ~~((f))~~ (d) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

(5) ~~((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called by the county legislative authority under subsection (2) of this section during the month of that primary is the date of the presidential primary.~~

~~—(6))~~ This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer.

**Sec. 2.** RCW 29A.04.330 and 2006 c 344 s 3 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

(a) Elections for the recall of any elective public officer;

(b) Public utility districts, conservation districts, or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto;

(c) Consolidation proposals as provided for in RCW 28A.315.235 and nonhigh capital fund aid proposals as provided for in chapter 28A.540 RCW.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to the auditor prior to the proposed election date, may call a special election in such city, town, or district, and for the purpose of such special election he or she may combine, unite, or divide precincts. ~~((Except as provided in subsection (3) of this section.))~~ Such a special election shall be held on one of the following dates as decided by the governing body:

(a) The ~~((first))~~ second Tuesday ~~((after the first Monday))~~ in February;

(b) ~~((The second Tuesday in March;~~

~~—(c))~~ The fourth Tuesday in April;

~~((d) The third Tuesday in May;~~

~~—(e))~~ (c) The day of the primary election as specified by RCW 29A.04.311; or

~~((f))~~ (d) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) ~~((through (d)))~~ and (b) of this section

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must be presented to the county auditor at least ~~((fifty-two))~~ forty-five days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)~~((c))~~ (c) or ~~((d))~~ (d) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

~~(4) ((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called under subsection (2) of this section during the month of that primary is the date of the presidential primary.~~

~~(5))~~ In addition to subsection (2)(a) through ~~((f))~~ (d) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in subsection (2)~~((c))~~ (c) and ~~((d))~~ (d) of this section. Such special election shall be conducted and notice thereof given in the manner provided by law.

~~((6))~~ (5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections."

Senator Pridemore 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 Senator Pridemore to Second Substitute Senate Bill No. 5271.

The motion by Senator Pridemore 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 2 of the title, after "held;" strike the remainder of the title and insert "amending RCW 29A.04.321 and 29A.04.330; and providing an effective date."

#### MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5271 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore, Roach 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 Second Substitute Senate Bill No. 5271.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5271 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Voting nay: Senator Tom - 1

Absent: Senator Brown - 1

Excused: Senator Murray - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5271, 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 Regala, Senator Brown was excused.

#### SECOND READING

SENATE BILL NO. 6821, by Senators Hatfield and Jacobsen

Exempting certain information obtained by the department of fish and wildlife from disclosure under chapter 42.56 RCW.

The measure was read the second time.

#### MOTION

Senator Hatfield moved that the following amendment by Senator Hatfield and others be adopted.

On page 3, after line 7 insert the following:

" **Sec. 2.** RCW 77.80.010 and 2000 c 107 s 88 are each amended to read as follows:

As used in this chapter ~~((1))~~ "Case areas" means those areas of the Western district of Washington and in the adjacent offshore waters which are within the jurisdiction of the state of Washington, as defined in *United States of America et al. v. State of Washington et al.*, Civil No. 9213, United States District Court for Western District of Washington, February 12, 1974, and in *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F. 2d 570 (9th Cir., 1976), or an area in which fishing rights are affected by court decision in a manner consistent with the above-mentioned decisions;

~~((2))~~ "program" means the program established under RCW 77.80.010 through 77.80.060. **Sec. 3.** RCW 77.80.020 and 1984 c 67 s 1 are each amended to read as follows:

The department may purchase commercial fishing vessels and appurtenant gear, and the current state commercial fishing licenses, delivery permits, and charter boat licenses if the license or permit holder was substantially restricted in fishing as a result of compliance with *United States of America et al. v. State of Washington et al.*, Civil No. 9213, United States District Court for Western District of Washington, February 12, 1974, and *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F. 2d 570 (9th Cir., 1976). The department may also make such purchases if the license or permit holder was substantially restricted in fishing as a result of compliance with *United States of America et al. v. State of Washington et al.*, 873 F.Supp. 1422 (W.D. Wash. 1994) as affirmed in part, reversed in part, and remanded 157 F.3d 630 (9th Cir., 1998).

The department shall not purchase a vessel without also purchasing all current Washington commercial fishing licenses and delivery permits and charter boat licenses issued to the vessel or its owner. The department may purchase current licenses and delivery permits without purchasing the vessel."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Hatfield 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 Hatfield and others on page 3, after line 7 to Senate Bill No. 6821.

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

## MOTION

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

On page 1, line 2 of the title, after "to the" delete everything through "42.56.430" and insert "to fish and wildlife harvest management; and amending RCW 42.56.430, 77.80.010, and 77.80.020"

## MOTION

On motion of Senator Hatfield, the rules were suspended, Engrossed Senate Bill No. 6821 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield and Morton spoke in favor of passage of the bill.

## MOTION

On motion of Senator Hatfield, the rules were suspended, Engrossed Senate Bill No. 6821 was returned to second reading for the purpose of amendment.

Without objection, Senator Hatfield moved the following oral amendment to the title amendment be adopted:

On page 1, line 2 of the title amendment after "two" strike "the"

On page 1, line 8, after "insert" strike "to"

The President declared the question before the Senate to be the adoption of the oral amendment by Senator Hatfield to Senate Bill No. 6821.

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

## MOTION

On motion of Senator Hatfield, the rules were suspended, Engrossed Senate Bill No. 6821 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6821.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6821 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, McAuliffe, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Voting nay: Senators Marr, McCaslin and McDermott - 3

Absent: Senator Kline - 1

Excused: Senator Murray - 1

ENGROSSED SENATE BILL NO. 6821, 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. 6591, by Senators Benton and Berkey

Regulating insurance producers.

The measure was read the second time.

## MOTION

Senator Benton moved that the following amendment by Senators Benton and Berkey be adopted.

On page 103, line 37, after "producer" insert "or title insurance agent"

Senator Benton 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 Benton and Berkey on page 103, line 37 to Senate Bill No. 6591.

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

## MOTION

On motion of Senator Benton, the rules were suspended, Engrossed Senate Bill No. 6591 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6591.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6591 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SENATE BILL NO. 6591, 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. 6389, by Senators Brown, Schoesler, Hobbs, Rasmussen, Marr, Franklin and Kilmer

Exempting certain military housing from property and leasehold excise taxes.

## MOTIONS

On motion of Senator Marr, Substitute Senate Bill No. 6389 was substituted for Senate Bill No. 6389 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Substitute Senate Bill No. 6389 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

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The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6389.

adoption effort. Revised for 2nd Substitute: Creating a statewide high-speed internet deployment and adoption initiative.

ROLL CALL

MOTION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6389 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

On motion of Senator Kohl-Welles, Second Substitute Senate Bill No. 6438 was substituted for Senate Bill No. 6438 and the second substitute bill was placed on the second reading and read the second time.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senator Kohl-Welles and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 43.105 RCW to read as follows:

SUBSTITUTE SENATE BILL NO. 6389, 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.

(1) The legislature finds that the deployment and adoption of high-speed internet services and information technology has resulted in enhanced economic development and public safety for the state's communities, improved health care and educational opportunities, and a better quality of life for the state's residents. Further, continued progress in the deployment and adoption of high-speed internet services and other advanced telecommunications services, both land-based and wireless, is vital to ensuring Washington remains competitive and continues to create business and job growth. The legislature finds that the state must encourage and support strategic partnerships of public, private, nonprofit, and community-based sectors in the continued growth and development of high-speed internet services and information technology for state residents and businesses, and do so through formalized and structured arrangements like the highly successful K-20 educational network.

SECOND READING

SENATE BILL NO. 5256, by Senators Prentice, Roach, Fairley, Kastama, Eide, Hobbs, Fraser, Rockefeller, Kohl-Welles, Rasmussen, Franklin, Kilmer, Honeyford and Keiser

Providing for the exclusion of veterans benefits from the income calculation for the retired person property tax relief program.

(2) The department, as the state agency responsible for coordinating with the education sectors on the K-20 educational network, shall work to coordinate the development of a comprehensive, statewide high-speed internet deployment and adoption initiative that will be implemented through a public-private partnership with a nonprofit organization, as set forth in subsection (7) of this section, to accomplish the following goals:

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5256 was substituted for Senate Bill No. 5256 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5256 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

(a) Ensure that all state residents and businesses have access to affordable and reliable high-speed internet services;

(b) Achieve improved technology literacy, increased computer ownership, and high-speed internet use among state residents, nonprofit organizations, and businesses;

(c) Establish and empower local technology planning teams and partnerships to plan for improved technology use across multiple community sectors;

(d) Establish and sustain an environment ripe for telecommunications and technology investment statewide, including solicitation and receipt of grants, loans, and other financial mechanisms; and

(e) Create and regularly update a geographic statewide inventory of high-speed internet service and other relevant telecommunications and information technology services through a method of geographic information system mapping and geographic information system analysis at the census block level, consistent with any federal data reporting requirements.

Senator Prentice 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. 5256.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5256 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 48

Absent: Senator Tom - 1

SUBSTITUTE SENATE BILL NO. 5256, 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.

(3) By June 1, 2008, the department shall convene an initial work group of representatives of the department of community, trade, and economic development and the utilities and transportation commission, and representatives of public, private, and nonprofit agencies and organizations representing economic development, local community development, community planning, technology planning, education, health care, and other relevant entities as well as representatives of telecommunications providers, technology companies, telecommunications unions, community-based organizations, and relevant private sector entities.

(4) By September 1, 2008, the department and the work group in subsection (3) of this section shall develop a high-speed internet deployment and adoption strategy for

SECOND READING

SENATE BILL NO. 6438, by Senators Kohl-Welles, Rockefeller, Oemig, Honeyford, Murray, Delvin and Pridemore

Creating a statewide high-speed internet deployment and

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implementation by a nonprofit organization to accomplish the following goals:

(a) Create and regularly update a geographic statewide inventory of high-speed internet service and other relevant telecommunications and information technology services. The inventory must:

(i) Identify geographic gaps in high-speed internet service through a method of geographic information system mapping of service availability and geographic information system analysis at the census block level;

(ii) Provide a baseline assessment of statewide high-speed internet deployment in terms of percentage of households and businesses with high-speed internet availability;

(iii) Provide updates to these data every six months; and

(iv) Build upon the initial utilities and transportation commission broadband disparity study authorized by the legislature in 2007;

(b) Track statewide residential and business adoption of high-speed internet, computers, and related information technology through data collected directly from end-users through telephone surveys or similar methods; identify barriers to adoption; and measure progress on these data annually;

(c) Build and facilitate local technology planning teams and partnerships with members representing cross-sections of the community, including but not limited to representatives of business, telecommunications unions, K-12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture. Local technology planning teams shall benchmark technology use across relevant community sectors, set goals for improving technology use within each sector, and develop tactical business plans for achieving identified goals, with specific recommendations for online application development and demand creation;

(d) Work collaboratively with high-speed internet providers and technology companies across the state to encourage deployment and use, through use of local demand aggregation, mapping analysis, and creation of market intelligence to improve the investment rationale and business case for providers to deploy; and

(e) Establish programs to improve computer ownership, technology literacy, and internet access for disenfranchised populations across the state.

(5) The department and the work group in subsection (3) of this section shall provide a report to the fiscal and telecommunications committees in the senate and the house of representatives on or before December 1, 2008. The report shall identify and make recommendations as appropriate for:

(a) Benchmarks, performance measures, milestones, deliverables, timelines, and such other indicators of performance and progress as are necessary to guide development and implementation of the statewide high-speed internet deployment and adoption effort;

(b) A strategic plan to structure and appropriately scale and phase development and implementation of the effort so as to link to, leverage, and otherwise synchronize with other relevant and related funding, technology, capital initiatives, investments, and opportunities;

(c) Budget and legislation to be considered before the 2009 legislature in order to implement the strategic high-speed internet deployment and adoption strategy;

(d) Safeguards to protect proprietary and confidential information from unintended disclosure under chapter 42.56 RCW, which may be based upon existing models developed by other state broadband efforts to protect proprietary information;

(e) A plan to complete baseline mapping of high-speed internet resources in the state in an eighteen-month period, subject to approval of the plan and appropriation by the legislature; and

(f) A plan to launch community teams across the state.

(6) The department shall provide an annual progress report together with any recommendations for strengthening the program to the fiscal and telecommunications committees in the

senate and the house of representatives not later than December 1st, beginning in 2009, and cover the preceding fiscal year.

(7) The department shall contract with a nonprofit organization to accomplish the objectives set forth in this act. The nonprofit organization shall:

(a) Be qualified under section 501(c)(3) of the internal revenue code of 1986 and exempt from tax under section 501(a) of such code;

(b) Have no part of the net earnings inure to the benefit of any member, founder, contributor, or individual;

(c) Have a board of directors that is not composed of a majority of individuals who are also employed by, or otherwise associated with, any federal, state, or local government or any federal, state, or local agency;

(d) Have an established competency in working on a statewide basis with public and private sectors to accomplish the deployment and adoption of high-speed internet services and information technology;

(e) Have an established competency working directly with high-speed internet providers in the handling, storage, and use of proprietary and competitively sensitive data for the purposes set forth in this act; and

(f) Enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and proprietary information provided by broadband service providers and other entities. Private entities submitting data in connection with efforts to develop the high-speed internet deployment strategy referenced in this act may elect to provide such data to the extent and in the format the data is maintained in the normal course of business. Any information designated by the providing entity as confidential or proprietary shall be treated as such, and governed by an appropriate nondisclosure agreement. To the extent any data which is submitted pursuant to this act would otherwise be deemed a public record, the data is excepted from disclosure under chapter 42.56 RCW if designated as confidential by the providing entity.

(8) This section expires June 30, 2011.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.105 RCW to read as follows:

(1) By January 1, 2009, the department, in consultation with the utilities and transportation commission and other relevant agencies, shall identify and make publicly available a web directory of public facilities that provide community technology programs throughout the state.

(2) For the purposes of this section, "community technology program," also known as a digital inclusion program, means a program engaged in diffusing information and communications technology in local communities, particularly in unserved areas. These programs may include, but are not limited to, programs that provide education and skill-building opportunities, hardware and software ownership, internet connectivity, and development of locally relevant content and delivery of vital services through technology.

**NEW SECTION. Sec. 3.** Nothing in this act shall be construed as giving the department of information services or any other entities any additional authority, regulatory or otherwise, over providers of telecommunications and information technology."

Senator Kohl-Welles 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 Senator Kohl-Welles and others to Second Substitute Senate Bill No. 6438.

The motion by Senator Kohl-Welles 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 2 of the title, after "initiative;" strike the remainder of the title and insert "adding new sections to chapter 43.105 RCW; creating a new section; and providing an expiration date."

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MOTION

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On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6438 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6438.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6438 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6438, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Benton: "I am hosting a luncheon and I wanted to invite all the members to the luncheon in Senate Hearing Room Two tomorrow between twelve and one. Lunch will be provided. It's for members only. We have a guest speaker coming from Washington D. C. It's for the American Legislative Exchange Counsel and I know many members belong to that organization on both sides of the aisle. You have received notices in your mail and you received emails to that effect. I just wanted to notify you here today usually within twenty-four hours because I know how we keep things in our mind so, if you know about it tomorrow, you may remember to come tomorrow. So, please come to the luncheon tomorrow at noon in Hearing Room Two. Thank you Mr. President."

#### SECOND READING

SENATE BILL NO. 6426, by Senators Hobbs, Shin, Swecker, Rasmussen, Fairley, Berkey, Rockefeller, Eide, Schoesler, Fraser, Kauffman, Kohl-Welles and McAuliffe

Enacting the Interstate Compact on Educational Opportunity for Military Children.

#### MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 6426 was substituted for Senate Bill No. 6426 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 6426 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and King 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. 6426.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6426 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6426, 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, Senators Honeyford and Zarelli were excused.

#### SECOND READING

SENATE BILL NO. 6466, by Senators Roach, Tom, Rasmussen, McAuliffe, Hobbs, Stevens, Delvin, Shin and Carrell

Creating a task force to study teaching Spanish and Chinese in public schools.

#### MOTION

On motion of Senator Roach, Substitute Senate Bill No. 6466 was substituted for Senate Bill No. 6466 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

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

On page 1, line 1 of the title, after "in" strike "Spanish and Chinese" and insert "world"

Senator 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 Senator Roach and McAuliffe on page 1, line 1 to Substitute Senate Bill No. 6466.

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

#### MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Substitute Senate Bill No. 6466 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Regala, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6466.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6466 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Kline - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6466, 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

Pursuant to Rule 18, on motion of Senator Eide moved Senate Bill No. 6809 was made the special order of business of the day at 4:55 p.m.

## PARLIAMENTARY INQUIRY

Senator Benton: "Thank you Mr. President. I believe that the measure before us Senate Bill No. 6638 requires a super majority vote under the provisions of the law enacted last year, Initiative 960. Last year, Mr. President, you issued a ruling involving Initiative 601 which I believe is....."

## REMARKS BY THE PRESIDENT

President Owen: "Senator Benton, I need to interrupt you at this moment because I don't believe we've read the bill in yet. You're just a jump ahead."

## SECOND READING

SENATE BILL NO. 6638, by Senators Murray, Roach, McAuliffe, Kohl-Welles, Fairley, Kline, Kauffman, Jacobsen, Eide and Pflug

Reallocating existing lodging taxes for heritage and arts programs in a county with a population of one million or more.

The measure was read the second time.

## PARLIAMENTARY INQUIRY

Senator Benton: "Thank you Mr. President. Last year you issued a ruling involving Initiative 601 which I believe is instructive for this measure. In that ruling you indicated that changing the purpose for which a fee was originally collected could trigger the supermajority vote provisions of Initiative 601 because it converted that fee into a tax. Similarly the bill before us does not necessarily impose a new tax. It does, however, similarly allow it to continue and changes the way that the proceeds are spent. The tax at issue was originally enacted to pay off bonds issued to repair the now demolished King dome. This bill would change this allowing the money that was used to pay off these bonds to instead be dedicated to arts and heritage programs. I submit to you that this effectively imposes a new tax for a new purpose and therefore triggers the supermajority vote

provisions of Initiative 960. Even though the Legislature is allowing a portion of the lodging tax to be allowed for specific expenditures for local government, the Legislature recognizes and authorizes that and the state controls this tax. Therefore, Initiative 960 should apply to Senate Bill No. 6638 because it re-authorizes that tax as a state shared lodging revenue. And for these reasons I believe the measure contains a new tax that requires a two-thirds vote of this body and would appreciate a respectfully request a ruling thereon."

Senator Murray spoke against the parliamentary inquiry.

## MOTION

On motion of Senator Eide, further consideration of Senate Bill No. 6638 was deferred and the bill held its place on the second reading calendar.

The President Pro Tempore assumed the chair.

## SECOND READING

SENATE BILL NO. 6471, by Senators Weinstein, Kauffman, Tom, Fairley, McAuliffe, Kohl-Welles, Keiser and Kline

Protecting consumers by regulating loans under the consumer loan act and mortgage broker practices act.

The measure was read the second time.

## MOTION

On motion of Senator Weinstein, the rules were suspended, Senate Bill No. 6471 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein and Honeyford spoke in favor of passage of the bill.

## MOTION

On motion of Senator Regala, Senators Fairley and Haugen were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6471.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6471 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Fairley and Haugen - 2

SENATE BILL NO. 6471, 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. 6527, by Senators Kastama and Kline

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Addressing the failure to transfer motor vehicle title and registration.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 6527 was substituted for Senate Bill No. 6527 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 6527 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 Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6527.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6527 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Fairley and Haugen - 2

SUBSTITUTE SENATE BILL NO. 6527, 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. 6220, by Senators Keiser, Parlette, Pflug, Prentice and Kohl-Welles

Allowing the delegation of nursing tasks to care for persons with diabetes.

MOTIONS

On motion of Senator Keiser, Second Substitute Senate Bill No. 6220 was substituted for Senate Bill No. 6220 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. 6220 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Pflug and Parlette spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6220.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6220 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Haugen - 1

SECOND SUBSTITUTE SENATE BILL NO. 6220, 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. 6502, by Senators Oemig, Rasmussen and Kline

Reducing the release of mercury into the environment.

MOTION

On motion of Senator Oemig, Second Substitute Senate Bill No. 6502 was substituted for Senate Bill No. 6502 and the second substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 6, beginning on line 4, strike all of subsection (7) Senator Oemig spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Oemig on page 6, line 4 to Second Substitute Senate Bill No. 6502.

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

MOTION

On motion of Senator Oemig, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6502 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6502.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

POINT OF INQUIRY

Senator Benton: "Would the Senator from the 45th yield to a question? Thank you. Senator Oemig, does this bill prohibit the sale of light bulbs and mercury-filled light bulbs in the state of Washington?"

Senator Oemig: "Thank you Senator. No, this bill in no way limits or reduces the sale of light bulbs. It merely creates a study to find out more effective ways to recycle light bulbs today in this state. There's only one place where you can recycle light bulbs."

Senator Benton: "So it turned your bill into a study bill essentially with the adoption of your amendment?"

Senator Oemig: "Yes."

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6502 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 40

Voting nay: Senators Brandland, Delvin, Hatfield, Holmquist, Honeyford, Parlette, Schoesler and Stevens - 8

Excused: Senator Haugen - 1

SECOND SUBSTITUTE SENATE BILL NO. 6502, 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.

The President assumed the chair.

## RULING BY THE PRESIDENT

President Owen: "In ruling on the inquiry raised by Senator Benton as to the application of Initiative Number 960 to Senate Bill 6638, the President finds and rules as follows.

The President does believe that many of his prior rulings on Initiative Number 601 are good precedent and instruction for applying similar provisions of I-960. The President has reviewed past I-601 rulings for application to the situation presented by this measure. Consistent with that past precedent, the President notes that the tax at issue—whatever its purpose—is purely local in nature, and is a preexisting local tax, at that. It is true that state law originally authorized this tax, but its collection and usage remain local. I-960 relates to state taxes and fees, and thus it has no application to this measure's distribution of proceeds from a local tax.

For these reasons, Senator Benton's point is not well-taken, and this measure will need only a simple majority vote of this body for final passage."

The Senate resumed consideration of Senate Bill No. 6638.

## WITHDRAWAL OF AMENDMENT

On motion of Senator Tom, the amendment by Senator Tom on page 6, line 6 to Senate Bill No. 6638 was withdrawn.

## MOTION

Senator Benton moved that the following amendment by Senator Tom and others be adopted.

On page 6, line 6, after "subsection" insert ", art programs in the public schools of the county, and for enhanced foreign language education programs in the public schools of the county. The funds from the account shall be distributed equally between the three allowable purposes.

In consultation with the public school districts in the county, the county treasurer shall develop a method for distributing the funds for arts programs and enhanced foreign language education programs in the public schools. In deciding the specific amounts and distribution method to each respective school district, the county treasurer shall consider the number of full-time-equivalent students, the need for additional support to sustain and implement these programs, and current resources being utilized for these programs. Beginning December 1,

2009, each year thereafter, the office of superintendent of public instruction shall provide a report summarizing the amounts received by each public school district in the county from the distributions in this section and specific activities funded with these fund sources."

Renumber the sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the amendment by Senator Tom and others on page 6, line 6 to Senate Bill No. 6638.

The motion by Senator Benton failed and the amendment was not adopted by voice vote.

## MOTION

On motion of Senator Eide, further consideration of Senate Bill No. 6638 was deferred and the bill held its place on the second reading calendar.

## SECOND READING

SENATE BILL NO. 6448, by Senators Marr, Zarelli, Keiser, Delvin, Kline, Brown, Brandland, Kohl-Welles, Fairley, Shin, Pflug, McAuliffe, Rasmussen and Kilmer

Providing for intensive behavior support services for children with developmental disabilities.

## MOTIONS

On motion of Senator Marr, Substitute Senate Bill No. 6448 was substituted for Senate Bill No. 6448 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Substitute Senate Bill No. 6448 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr and Delvin 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. 6448.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6448 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Haugen - 1

SUBSTITUTE SENATE BILL NO. 6448, 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.

The Senate resumed consideration of Senate Bill No. 6638.

## MOTION

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

On page 5, line 6, after "subsection" insert ", subject to voter approval under (e) of this subsection"

On page 5, line 14, after "subsection" insert ", subject to

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voter approval under (e) of this subsection"

ROLL CALL

On page 5, line 15, after "(e)" insert "On or after the date the debt on the stadium is retired, revenues under this section may not be expended without the approval of the voters of a county of a million or more residents by at least a simply majority vote."

(f)  
Reletter the remaining subsections and correct any internal references accordingly.

Senator Benton spoke in favor of adoption of the amendment.

Senator Murray spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 5, line 6 to Senate Bill No. 6638.

The motion by Senator Benton failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 6638 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray, Keiser and Kauffman spoke in favor of passage of the bill.

Senator Tom spoke against the passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6638.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6638 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 44

Voting nay: Senators Benton, Carrell, McCaslin, Morton and Tom - 5

SENATE BILL NO. 6638, 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. 6722, by Senators Regala, Delvin, Schoesler, Pridemore and Shin

Creating the cleanup settlement account.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 6722 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala 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. 6722.

The Secretary called the roll on the final passage of Senate Bill No. 6722 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 6722, 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. 6730, by Senators Kilmer, Delvin, Shin and Kohl-Welles

Regarding child care at institutions of higher education.

MOTION

On motion of Senator Kilmer, Substitute Senate Bill No. 6730 was substituted for Senate Bill No. 6730 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kilmer moved that the following amendment by Senator Kilmer and others be adopted.

On page 2, line 8, after "institutions.", insert:  
"The grants shall be used exclusively for the provision of quality childcare services for students at institutions of higher education."

Senator Kilmer spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Senator Hewitt: "Would the Senator from the 26th yield to a question? Senator, does this mean that faculty and staff will not be able to use this money?"

Senator Kilmer: "There are existing capacities for faculty and staff to have child care. This sets up a new grant program where students would put in dollars and they would be matched by the state. It is specifically for students."

The President declared the question before the Senate to be the adoption of the amendment by Senator Kilmer and others on page 2, line 8 to Substitute Senate Bill No. 6730.

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

MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Substitute Senate Bill No. 6730 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

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The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6730.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6730 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 6730, 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. 6573, by Senators Kilmer, Brandland, Kauffman, Delvin, Benton, Roach, McAuliffe and Rasmussen

Providing additional revenues for public safety.

## MOTION

On motion of Senator Pridemore, Substitute Senate Bill No. 6573 was substituted for Senate Bill No. 6573 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Pridemore moved that the following striking amendment by Senators Pridemore and Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that local governments need additional revenues to provide public safety resources in order to protect the citizens of Washington from fire and crime. The legislature finds that the current benefit formula and contributions for the law enforcement officers and firefighters plan 2 are inadequate to modify that formula in recognition of the shorter working careers for firefighters and police officers. The legislature recognizes that although some officers and firefighters are able to work comfortably beyond twenty-five years, the combat nature of fire suppression and law enforcement generally require earlier retirement ages. In recognition of the physical demands of the professions and the inherent risks faced by law enforcement officers and firefighters, eligibility for retirement in the law enforcement officers and firefighters plan 2 system has been set at age fifty-three. However, the benefit formula is designed for careers of thirty-five to forty years, making retirement at age fifty-three an unrealistic option for many.

Therefore, the legislature declares that it is the purpose of this act to provide local government public safety employers and the law enforcement officers and firefighters plan 2 pension plan with additional shared revenues when state general fund revenues increase by at least one percent over the prior year's collections.

**NEW SECTION. Sec. 2.** A new section is added to chapter 41.26 RCW to read as follows:

The local public safety enhancement account is created in the state treasury. Moneys in the account may be spent only after appropriation. All receipts from section 4 of this act must

be deposited into the account. Expenditures from the account may be used as follows:

(1) Following appropriation, fifty percent of the money in the account shall be transferred to the law enforcement officers' and firefighters' retirement system benefits improvement account established in section 3 of this act.

(2) Following appropriation, the balance shall be distributed by the state treasurer to all jurisdictions with law enforcement officers and firefighters plan 2 members on a proportionate share basis based on the number of plan 2 members each jurisdiction has on June 1st of the prior year divided by the total number of plan 2 members in the system. The department of retirement systems shall provide the distribution allocation to the state treasurer. Distributions by the state treasurer shall be made annually beginning on January 1, 2011. Jurisdictions that contract with other eligible jurisdictions for law enforcement services or fire protection services must agree on the distribution of funds between the contracting parties and must inform the department of retirement systems as to how the distribution is to be made. Distributions will continue to be made under the terms of the agreement until the department of retirement systems is notified by the eligible jurisdiction of any agreement revisions. If there is no agreement within six months of the distribution date, the monies lapse to the state treasury. Moneys distributed from the balance of the public safety enhancement account may be used for the following purposes: (a) Criminal justice, including those where an ancillary benefit to the civil justice occurs, and includes domestic violence programs; (b) information and assistance to parents and families dealing with at-risk or runaway youth; or (c) public safety.

**NEW SECTION. Sec. 3.** A new section is added to chapter 41.26 RCW to read as follows:

(1) The local law enforcement officers' and firefighters' retirement system benefits improvement account (benefits account) is created within the law enforcement officers' and firefighters' retirement system plan 2 fund. All receipts from section 2(1) of this act must be deposited into the account.

(2) The funds in the benefits account shall not be included by the state actuary in the calculation of the market value of assets of the law enforcement officers' and firefighters' retirement system plan 2 fund until the board directs the state actuary in writing to do so for purposes of financing benefits adopted by the board pursuant to and consistent with RCW 41.26.720. The board, in consultation with the state investment board, shall provide the state actuary, in writing, the market value of the amount directed from the benefits account for inclusion in the calculation of the market value of assets of the law enforcement officers' and firefighters' retirement system plan 2 fund. The market value of the amount directed from the benefits account shall be determined as of the date of the direction from the board to include this amount for purposes of financing benefits adopted by the board pursuant to and consistent with RCW 41.26.720.

(3) The law enforcement officers' and firefighters' plan 2 retirement board shall administer the fund in an actuarially sound manner.

(4) The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the benefits account. The state investment board is authorized to adopt investment policies for the money in the benefits account. All investment and operating costs associated with the investment of money within the benefits account shall be paid pursuant to RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investment of the money shall be retained by the benefits account.

(5) All investments made by the state investment board shall be made with the exercise of that degree of judgment and care pursuant to RCW 43.33A.140 and the investment policy established by the state investment board.

(6) When appropriate for investment purposes, the state investment board may commingle money in the fund with other funds.

(7) The authority to establish all policies relating to the benefits account, other than the investment policies set forth in this section, resides with the law enforcement officers' and

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firefighters' plan 2 retirement board. Other than investments by and expenses of the state investment board, disbursements from this fund may be made only on the authorization of the law enforcement officers' and firefighters' plan 2 retirement board for purposes of funding the member, employer, and state cost of financing benefits adopted by the board pursuant to and consistent with RCW 41.26.720.

(8) The state investment board shall routinely consult with and communicate with the law enforcement officers' and firefighters' plan 2 retirement board on the investment policy, earnings of the trust, and related needs of the benefits account.

**NEW SECTION, Sec. 4.** A new section is added to chapter 41.26 RCW to read as follows:

(1) By September 30, 2011, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than three percent, subject to appropriation by the legislature, the state treasurer shall transfer five million dollars to the local public safety enhancement account.

(2) By September 30, 2013, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than three percent, subject to appropriation by the legislature, the state treasurer shall transfer ten million dollars to the local public safety enhancement account.

(3) By September 30, 2015, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than three percent, subject to appropriation by the legislature, the state treasurer shall transfer twenty million dollars to the local public safety enhancement account.

(4) By September 30, 2017, and by September 30 of each odd-numbered year thereafter, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than three percent, subject to appropriation by the legislature, the state treasurer shall transfer the lesser of one-third of the increase, or fifty million dollars, to the local public safety enhancement account."

Senator Pridemore spoke in favor of adoption of the striking amendment.

#### MOTION

Without objection, Senator Spanel moved that the following oral amendment to the striking amendment be adopted:

On page 1, section 1, line 24, after the word "least" strike "one" and insert "three"

The President declared the question before the Senate to be the adoption of the oral amendment by Senator Spanel to the striking amendment to Substitute Senate Bill No. 6573.

The motion by Senator Spanel carried and the oral amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment as amended by Senators Pridemore and Zarelli to Substitute Senate Bill No. 6573.

The motion by Senator Pridemore carried and the striking amendment as amended was adopted by voice vote.

#### MOTION

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

On page 1, line 3 of the title, after "benefits", strike the remainder of the title and insert "adding new sections to chapter 41.26 RCW; and creating a new section."

#### MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Substitute Senate Bill No. 6573 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli and Kilmer 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. 6573.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6573 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Voting nay: Senator Spanel - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6573, 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. 6898, by Senators Kline and Hargrove

Modifying criminal sentencing requirements.

#### MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6898 was substituted for Senate Bill No. 6898 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. 6898 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. 6898.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6898 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6898, 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. 6641, by Senators Regala, Zarelli and Carrell

Providing that voter-approved increases in property tax levy limitations for a multiyear period of up to six years do not

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permanently increase a taxing district's levy base, unless otherwise provided in the ballot proposition.

The measure was read the second time.

#### MOTION

Senator Regala moved that the following striking amendment by Senators Regala and Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.55.050 and 2007 c 380 s 2 are each amended to read as follows:

(1) Subject to any otherwise applicable statutory dollar rate limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in this chapter if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made, except as provided in subsection (2) of this section. The ballot of the proposition shall state the dollar rate proposed and shall clearly state the conditions, if any, which are applicable under subsection (4) of this section.

(2) Subject to statutory dollar limitations, a proposition placed before the voters under this section may authorize annual increases in levies for multiple consecutive years, up to six consecutive years, during which period each year's authorized maximum legal levy shall be used as the base upon which an increased levy limit for the succeeding year is computed, but the ballot proposition must state the dollar rate proposed only for the first year of the consecutive years and must state the limit factor, or a specified index to be used for determining a limit factor, such as the consumer price index, which need not be the same for all years, by which the regular tax levy for the district may be increased in each of the subsequent consecutive years. Elections for this purpose must be held at a primary or general election. The title of each ballot measure must state the ~~((specific))~~ limited purposes for which the proposed annual increases during the specified period of up to six consecutive years shall be used, and funds raised under the levy shall not supplant existing funds used for these purposes. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the taxing district receiving the services, and major nonrecurring capital expenditures.

(3) After a levy authorized pursuant to this section is made, the dollar amount of such levy ~~((shall))~~ may not be used for the purpose of computing the limitations for subsequent levies provided for in this chapter, ~~((except as provided in subsection (5) of this section))~~ unless the ballot proposition expressly states that the levy made under this section will be used for this purpose.

(4) If expressly stated, a proposition placed before the voters under subsection (1) or (2) of this section may:

(a) Use the dollar amount of a levy under subsection (1) of this section, or the dollar amount of the final levy under subsection (2) of this section, for the purpose of computing the limitations for subsequent levies provided for in this chapter;

(b) Limit the period for which the increased levy is to be made under (a) of this subsection;

~~((b))~~ (c) Limit the purpose for which the increased levy is to be made under (a) of this subsection, but if the limited purpose includes making redemption payments on bonds, the period for which the increased levies are made shall not exceed nine years;

~~((c))~~ (d) Set the levy or levies at a rate less than the maximum rate allowed for the district; or

~~((d))~~ (e) Include any combination of the conditions in this subsection.

(5) Except as otherwise ~~((provided))~~ expressly stated in an approved ballot measure under this section, ~~((after the expiration of a limited period under subsection (4)(a) of this section or the satisfaction of a limited purpose under subsection (4)(b) of this section, whichever comes first,))~~ subsequent levies shall be computed as if:

(a) The ~~((limited))~~ proposition under ~~((subsection (4) of))~~ this section had not been approved; and

(b) The taxing district had made levies at the maximum rates which would otherwise have been allowed under this chapter during the years levies were made under the ~~((limited))~~ proposition.

NEW SECTION. Sec. 2. This act applies prospectively only to levy lid lift ballot propositions under RCW 84.55.050 that receive voter approval on or after the effective date of this act.

NEW SECTION. Sec. 3. 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."

Senator Regala 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 Regala and Zarelli to Senate Bill No. 6641.

The motion by Senator Regala 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 "Relating to" strike the remainder of the title and insert "providing that voter-approved property tax increases do not permanently increase a taxing district's levy base, unless expressly stated in the ballot proposition; amending RCW 84.55.050; creating a new section; and declaring an emergency."

#### MOTION

On motion of Senator Regala, the rules were suspended, Engrossed Senate Bill No. 6641 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6641.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6641 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SENATE BILL NO. 6641, 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

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SENATE BILL NO. 6313, by Senators McAuliffe, Rasmussen, Tom, Delvin, Shin, Kohl-Welles, Fairley and Fraser

Recognizing disability history in the public education system.

The measure was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Senate Bill No. 6313 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe 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. 6313.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6313 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 6313, 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 JOINT MEMORIAL NO. 8028, by Senators Shin, Berkey, Honeyford, Hobbs, Swecker, Delvin, Roach, Rasmussen and Benton

Requesting that the President and Congress support the participation of Taiwan in the World Health Organization.

The measure was read the second time.

#### MOTION

On motion of Senator Shin, the rules were suspended, Senate Joint Memorial No. 8028 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Shin and Pflug spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8028.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8028 and the memorial passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore,

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Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE JOINT MEMORIAL NO. 8028, having received the constitutional majority, was declared passed.

#### MOTION

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

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5566, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Franklin and Kohl-Welles).

Providing for privacy protection for certain voter registration information.

The bill was read on Third Reading.

Senator Franklin spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5566.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5566 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Carrell, Hewitt, Holmquist and Honeyford - 4

SUBSTITUTE SENATE BILL NO. 5566, 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 sixth order of business.

#### SECOND READING

SENATE BILL NO. 6891, by Senators Stevens, Hargrove, Carrell, Brandland and Roach

Requiring certain hiring and training practices for children's administration social workers.

The measure was read the second time.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 6891 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 Senate Bill No. 6891.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6891 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 6891, 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. 6210, by Senator Benton

Requiring the registration of sex offender e-mail addresses or other internet communication names or identities. Revised for 1st Substitute: Providing for the registration of sex offender or kidnapping offender e-mail addresses or other internet communication names or identities.

## MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6210 was substituted for Senate Bill No. 6210 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6210 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 Substitute Senate Bill No. 6210.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6210 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6210, 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. 6653, by Senators Murray, Holmquist, Schoesler, Roach and Rasmussen

Allowing department of fish and wildlife enforcement officers to transfer service credit.

The measure was read the second time.

## MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 6653 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. 6653.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6653 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 6653, 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. 6360, by Senators Pflug, Keiser, Swecker, Fairley, Hewitt, Schoesler and Kohl-Welles

Establishing a task force on primary care medical practice.

## MOTION

On motion of Senator Pflug, Substitute Senate Bill No. 6360 was substituted for Senate Bill No. 6360 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Pflug moved that the following striking amendment by Senators Pflug and Keiser be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the citizens of Washington deserve primary care physicians that they can trust and rely upon for their health and illness care.

**NEW SECTION. Sec. 2.** (1)(a) The work group on primary care medical practice is established, with members as provided in this subsection:

(i) The president of the senate shall appoint one member from each caucus of the senate.

(ii) The speaker of the house of representatives shall appoint one member from each caucus of the house of representatives.

(iii) The director of the health care authority shall appoint:

(A) Four persons representing primary care physicians practicing in the state, one of whom practices in a rural county, as defined in RCW 82.14.370;

(B) One member representing community clinics;

(C) Two members representing health plans, including one representing a fee-for-service provider and one representing a managed care provider; and

(D) One member representing the health care authority.

(b) The health care authority representative shall chair the work group.

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(2) The work group shall examine ways to recruit and retain primary care physicians in the state, including, but not limited to, such strategies as:

- (a) Providing greater reimbursement rates for primary care physicians;
- (b) Ensuring that all patients have access to and know how to use a nurse consultant;
- (c) Encouraging female patients to have a mammogram on the evidence-based recommended schedule;
- (d) Effectively implementing strategies designed to reduce patients' use of nonemergent emergency room care;
- (e) Communicating with patients through electronic means; and
- (f) Effectively managing blood sugar levels of patients with diabetes.

(3) The work group may consult with individuals from the public and private sector or ask such persons to establish an advisory committee. Members of the advisory committee are not entitled to expense reimbursement.

(4) The work group shall use legislative facilities, and staff support shall be provided by senate committee services and the house of representatives office of program research.

(5) Legislative members of the work group shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(6) The expenses of the work group shall be paid jointly by the senate and the house of representatives. Work group expenditures are subject to approval by the senate facilities and operations committee and the house executive rules committee, or their successor committees.

(7) The work group shall report its findings and recommendations to the appropriate committees of the legislature by December 1, 2008.

(8) The work group shall report its findings and recommendations to the office of financial management by December 1, 2008, for consideration in the office of financial management's study of the primary care system, pursuant to Substitute Senate Bill No. 6282 (2008).

(9) This section expires December 31, 2008."

Senator Pflug 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 Pflug and Keiser to Substitute Senate Bill No. 6360.

The motion by Senator Pflug 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 "Relating to" strike the remainder of the title and insert "establishing a work group on primary care medical practice; creating new sections; and providing an expiration date."

#### MOTION

On motion of Senator Pflug, the rules were suspended, Engrossed Substitute Senate Bill No. 6360 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pflug and Keiser 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. 6360.

#### ROLL CALL

The Secretary called the roll on the final passage of

Engrossed Substitute Senate Bill No. 6360 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Franklin - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6360, 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. 6809, by Senators Pridemore, McAuliffe, Rockefeller, Eide, Oemig, Hatfield, Regala, Fraser, Brown, Fairley, Tom, Kilmer, Keiser, Franklin, Kauffman, Kline, Rasmussen, Spanel, Jacobsen and Kohl-Welles

Providing a tax exemption for working families measured by the federal earned income tax credit.

#### MOTION

On motion of Senator Pridemore, Substitute Senate Bill No. 6809 was substituted for Senate Bill No. 6809 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

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

On page 2, after line 24, insert the following:

"(4) For any fiscal period, the remittance required by this section shall be suspended if the suspension is directed by the state omnibus appropriations act."

Re-number the subsections consecutively and correct any internal references accordingly.

Senator Pridemore spoke in favor of adoption of the amendment.

Senator Zarelli spoke on adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pridemore on page 2, after line 24 to Substitute Senate Bill No. 6809.

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

#### MOTION

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

On page 3, after line 19, insert the following:

"(h) The department shall only issue remittances under this section during those tax years the earned income tax credit compliance program has been rated as adequate or higher under the federal office of management and budget program assessment rating tool (PART) process."

Senator Zarelli spoke in favor of adoption of the amendment.

Senators Pridemore and Brown spoke against adoption of the amendment.

#### MOTION

On motion of Senator Brandland, Senator Stevens was

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excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 3, after line 19 to Substitute Senate Bill No. 6809.

The motion by Senator Zarelli failed and the amendment was not adopted by voice vote.

## MOTION

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

On page 3, after line 23, insert the following:

"(7) By September 1, 2008, the department shall request an opinion from the attorney general as to whether subsection (3) of this section constitutes an unconstitutional delegation of legislative authority in violation of Article II, section 1 of the state constitution."

Senator Zarelli spoke in favor of adoption of the amendment.

Senator Pridemore spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 3, after line 23 to Substitute Senate Bill No. 6809.

The motion by Senator Zarelli failed and the amendment was not adopted by voice vote.

## MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Substitute Senate Bill No. 6809 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore, Rockefeller and Brown spoke in favor of passage of the bill.

Senator Zarelli spoke against the passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6809.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6809 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 32

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens and Zarelli - 16

Excused: Senator Swecker - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6809, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## PERSONAL PRIVILEGE

Senator McAuliffe: "Thank you Mr. President. We are having a Lebanese dinner in Senator Brown's office. You are all invited. The donations will go to the flood victims in our state and, of course, Lt. Governor you are invited as well. I urge you all to attend."

## MOTION

At 5:23 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, February 20, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

1115-S2		Messages	2
1332-S2	1	Introduction & 1st Reading	3
1545		Messages	1
1621-S2	2	Messages	1
1741-S3		Introduction & 1st Reading	3
1773-S2	2	Messages	19
1775		Introduction & 1st Reading	3
1873-S3	2	Messages	2
2110		Introduction & 1st Reading	4
2134	2	Messages	1
2344-S2	2	2690-S	19
2444-S	2	Messages	19
2449-S2	2	2703-S2	1
2455-S	3	Messages	1
2468-S	1	2712-S2	1
2470	1	Messages	1
2476	19	2713-S2	1
2485	3	Messages	1
2507-S2	3	2746-S	2
2514-S2	3	Messages	2
2527	3	2756-S	4
2530-S2	2	Introduction & 1st Reading	4
2533-S2	1	2764	4
2537-S2	3	Introduction & 1st Reading	4
2542	2	Messages	1
2557-S2	3	2781	4
2575-S	1	Introduction & 1st Reading	4
2580-S	3	2792	1
2582-S	2	Messages	1
2592-S	1	Introduction & 1st Reading	4
2602-S	1	2823-S	4
2609-S	1	Introduction & 1st Reading	4
2621-S		2829-S2	4
		Introduction & 1st Reading	4
		2836-S	4
		Introduction & 1st Reading	4
		2838-S	4
		Introduction & 1st Reading	4
		2844-S	1
		Messages	1
		2850	4
		Introduction & 1st Reading	4
		2864-S	19
		Messages	19
		2871-S2	2
		Messages	2
		2884-S	4
		Introduction & 1st Reading	4
		2887	2
		Messages	2
		2893-S	4
		Introduction & 1st Reading	4
		2901	1
		Messages	1
		2904-S	

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2917-S		3254-S2	Messages .....	19
Messages .....	2	3259-S	Introduction & 1st Reading .....	7
2949		3269-S2	Messages .....	2
Introduction & 1st Reading .....	5	3274-S2	Introduction & 1st Reading .....	7
2959-S		3275	Introduction & 1st Reading .....	7
Introduction & 1st Reading .....	5	3276	Introduction & 1st Reading .....	7
2963-S		3281	Introduction & 1st Reading .....	7
Introduction & 1st Reading .....	5	3283-S	Introduction & 1st Reading .....	7
2985		3291-S	Introduction & 1st Reading .....	7
Introduction & 1st Reading .....	5	3303-S	Messages .....	2
2996-S		3329-S	Introduction & 1st Reading .....	7
Introduction & 1st Reading .....	5	3349-S2	Introduction & 1st Reading .....	7
3002-S		3360	Messages .....	19
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3012-S		4030	Introduction & 1st Reading .....	7
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3025			Second Reading .....	16
Messages .....	1		Third Reading .....	16
3047			Third Reading Final Passage .....	17
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3051-S		5179-S	Second Reading .....	18
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3059-S		5256	Second Reading .....	25
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3069-S			Third Reading Final Passage .....	25
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3071-S		5271-S2	Other Action .....	23
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3106			Third Reading Final Passage .....	35
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3125-S2		6210	Second Reading .....	36
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3129-S2			Third Reading Final Passage .....	36
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3139-S2			Third Reading Final Passage .....	8
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3142				
Messages .....	2			
3145-S2				
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3149-S				
Messages .....	2			
3151				
Messages .....	2			
3166-S				
Introduction & 1st Reading .....	6			
3177				
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3180-S2				
Introduction & 1st Reading .....	6			
3183-S				
Introduction & 1st Reading .....	6			
3186-S2				
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6237	Second Reading	15	6580-S	Other Action	10
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6242	Second Reading	20	6580-S	Third Reading Final Passage	10
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6447	Second Reading	15	6753	Second Reading	17
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