

FIFTY-EIGHTH DAY, MARCH 6, 2007

2007 REGULAR SESSION

FIFTY-EIGHTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Tuesday, March 6, 2007

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 Brown, Carrell, Jacobsen, Oemig, Pflug and Rasmussen.

The Sergeant at Arms Color Guard consisting of Pages Madjura Panjini and Michael Shaheen, presented the Colors. Senator Morton offered the prayer.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6146 by Senators Carrell, Rasmussen, Roach, Hobbs, Zarelli, Stevens, Kilmer, Kastama and Benton

AN ACT Relating to military monuments; adding a new section to chapter 38.40 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SCR 8407 by Senators Kohl-Welles, Clements, Keiser and Parlette

Addressing liquor laws.

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

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

SECOND READING

SENATE BILL NO. 5101, by Senators Hobbs, McAuliffe, Fairley, Weinstein, Marr, Shin, Oemig, Fraser, Kline, Regala, Rasmussen, Tom, Kohl-Welles and Haugen

Expanding higher education tuition waivers to include certain certificated instructional staff.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5101 was substituted for Senate Bill No. 5101 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. 5101 was advanced to third reading,

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

Senator Hobbs spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Benton, Carrell, Hewitt, Pflug and Roach were excused.

MOTION

On motion of Senator Regala, Senator Jacobsen was excused.

Senator Swecker 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. 5101.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5101 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Parlette, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 43

Absent: Senators Brown, Oemig and Rasmussen - 3

Excused: Senators Carrell, Jacobsen and Pflug - 3

SUBSTITUTE SENATE BILL NO. 5101, 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. 5366, by Senators Haugen and Jacobsen

Authorizing the issuance of enhanced drivers' licenses and indicards to facilitate crossing the Canadian border.

MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 5366 was substituted for Senate Bill No. 5366 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 5366 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.

MOTION

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

Senator Swecker 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. 5366.

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ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5366 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Brown, Carrell and Jacobsen - 3

SUBSTITUTE SENATE BILL NO. 5366, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Senator Holmquist: I was off the Senate floor today working on an amendment for a bill coming up on the calendar. When I returned the Senate was completing the vote on Senate Bill 5366, and I inadvertently voted "Yes" when I intended to vote "No".

SENATOR HOLMQUIST, 13th Legislative District

SECOND READING

SENATE BILL NO. 5236, by Senators Parlette, Fraser and Rockefeller

Concerning the management of public lands.

MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 5236 was substituted for Senate Bill No. 5236 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 5236 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Parlette 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. 5236.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5236 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Brown, Carrell and Jacobsen - 3

SUBSTITUTE SENATE BILL NO. 5236, 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. 5399, by Senators Kilmer, Kastama, Kauffman, Shin, Schoesler, Berkey, Delvin, Rockefeller and Rasmussen

Developing a work group to support industry clusters as an economic development tool.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, the rules were suspended, Senate Bill No. 5399 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5399.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5399 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Brown, Carrell and Jacobsen - 3

SENATE BILL NO. 5399, 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. 5451, by Senators Rasmussen and McAuliffe

Authorizing students who are covered by section 504 of the rehabilitation act of 1973 to obtain a certificate of individual achievement.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5451 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5451.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5451 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, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug,

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Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Carrell and Jacobsen - 2

SENATE BILL NO. 5451, 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. 5304, by Senators Eide, Tom, Haugen, Shin and Kline

Providing an exemption from special fuel taxes for regional transit authorities.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Bill No. 5304 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Eide 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. 5304.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5304 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 40

Voting nay: Senators Benton, Carrell, Clements, Holmquist, McCaslin, Schoesler, Stevens and Zarelli - 8

Excused: Senator Jacobsen - 1

SENATE BILL NO. 5304, 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. 5639, by Senators Spanel, Clements, Pflug, Kohl-Welles, Jacobsen, Rasmussen, Poulsen, Regala and Kline

Authorizing a caterer's endorsement for licensed microbreweries.

MOTIONS

On motion of Senator Spanel, Substitute Senate Bill No. 5639 was substituted for Senate Bill No. 5639 and the substitute bill was placed on the second reading and read the second time.

Senator Spanel spoke in favor of the substitute bill.

On motion of Senator Spanel, the rules were suspended, Substitute Senate Bill No. 5639 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Spanel and Clements 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. 5639.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5639 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, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

SUBSTITUTE SENATE BILL NO. 5639, 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. 5225, by Senators Oemig, Poulsen, Honeyford and Spanel

Modifying gas and hazardous liquid pipeline provisions.

MOTIONS

On motion of Senator Oemig, Substitute Senate Bill No. 5225 was substituted for Senate Bill No. 5225 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Oemig, the rules were suspended, Substitute Senate Bill No. 5225 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 declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5225.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5225 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, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

SUBSTITUTE SENATE BILL NO. 5225, 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. 5202, by Senators Delvin, Eide, Hewitt, Brandland, Pridemore, Holmquist, McCaslin, Haugen, Jacobsen, Honeyford, Rasmussen and Roach

Concerning permissible weaponry for on-duty law enforcement officers.

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MOTIONS

On motion of Senator Delvin, Substitute Senate Bill No. 5202 was substituted for Senate Bill No. 5202 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Delvin, the rules were suspended, Substitute Senate Bill No. 5202 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Delvin spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

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. 5202.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5202 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, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Carrell and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 5202, 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. 5775, by Senators Kauffman, Rasmussen, Zarelli, Berkey, Oemig, McAuliffe, Shin and Kohl-Welles

Changing special education provisions.

The measure was read the second time.

MOTION

On motion of Senator Kauffman, the rules were suspended, Senate Bill No. 5775 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kauffman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5775.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5775 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, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-

Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

SENATE BILL NO. 5775, 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. 5137, by Senators Kohl-Welles and Keiser

Modifying industry average unemployment contribution rates.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5137 was substituted for Senate Bill No. 5137 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5137 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements 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. 5137.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5137 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 44

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

Excused: Senator Jacobsen - 1

SUBSTITUTE SENATE BILL NO. 5137, 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. 5620, by Senator Fairley

Clarifying the authority of the civil service commissions for sheriffs' offices.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5620 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

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The President declared the question before the Senate to be the final passage of Senate Bill No. 5620.

SENATE BILL NO. 5258, by Senators Regala, Stevens and Shin

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5620 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, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

SENATE BILL NO. 5620, 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. 5104, by Senators McAuliffe, Tom, Rockefeller, Shin, Oemig, Berkey, Brandland, Fairley, Pflug, Delvin, Rasmussen, Kohl-Welles, Keiser, Zarelli, Prentice, Eide, Kline, Hobbs, Clements and Kilmer

Expanding the applied baccalaureate degree pilot program.

MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 5104 was substituted for Senate Bill No. 5104 and the substitute bill was placed on the second reading and read the second time.

Senator McAuliffe spoke in favor of the substitute bill.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5104 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 Substitute Senate Bill No. 5104.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5104 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, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Voting nay: Senator Spanel - 1

Excused: Senator Jacobsen - 1

SUBSTITUTE SENATE BILL NO. 5104, 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

Concerning members of the Washington council for the prevention of child abuse and neglect.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 5258 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. 5258.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5258 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, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

SENATE BILL NO. 5258, 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 eighth order of business.

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION
8645

By Senators Kohl-Welles, Prentice, Pridemore, Hatfield, Keiser, Hobbs, Kline, Regala, Parlette and Brandland

WHEREAS, Women of every age, race, ethnicity, religion, sexual orientation, economic status, occupation, and degree of ability or disability have made considerable contributions to the growth and development of our communities, states, country, and nations around the world; and

WHEREAS, Women have played a critical role in the social, cultural, and spiritual development of communities around the globe; and

WHEREAS, Women of all backgrounds have constituted significant portions of the labor force, whether working outside or inside the home, whether paid or as a volunteer, and have played a critical role in nurturing our children; and

WHEREAS, Women have served as leaders of progressive social movements to secure individual rights and freedoms, and continue to lead efforts to eliminate discrimination and violence against all people and to promote equality, security, and peace; and

WHEREAS, Women have been largely unrecognized and undervalued for their historical and contemporary scientific,

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governmental, athletic, literary, and artistic accomplishments; and

WHEREAS, Women continue to experience day-to-day discrimination and continue to be victims of violence around the globe; and

WHEREAS, Washington state has been a champion of women's rights and a national leader in promoting progress for women, having been one of the first states to grant suffrage to women, and continue to have one of the highest proportion of women legislators in the history of the United States at 40.8% in 2000 and at 32.7% currently; and

WHEREAS, Washington state is the first state in the nation to have two female United States senators, Patty Murray and Maria Cantwell, and a female governor, Christine Gregoire, serving at the same time; and

WHEREAS, The United States of America, as a world leader, recognized the critical role of women in America by establishing March as National Women's History Month; and

WHEREAS, Since 1975, the United Nations has proclaimed March 8th to be International Women's Day;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and celebrate the women of our state, country, and the world on March 8th, International Women's Day, and during March, National Women's History Month.

Senators Kohl-Welles and McCaslin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8645.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

MOTION

At 10:57 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:35 a.m. by President Owen.

MOTION

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

SECOND READING

SENATE BILL NO. 5983, by Senators Stevens and Hargrove

Requiring juvenile courts to provide truancy hearing notice within the court's resources.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Stevens be adopted.

On page 2, line 29, after "hearing is" strike "held" and insert "~~(held)~~ scheduled"

On page 2, line 29, after "directly and" strike "within" and insert "using"

Senator Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Stevens on page 2, line 29 to Senate Bill No. 5983.

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

MOTION

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

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Senate Bill No. 5983 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens 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. 5983.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5983 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, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Kline - 1

Excused: Senator Jacobsen - 1

ENGROSSED SENATE BILL NO. 5983, 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. 5278, by Senators Franklin, Kastama, Kline, Spanel, Keiser, Kohl-Welles, McAuliffe, Regala, Pridemore, Poulsen, Fraser, Rasmussen and Rockefeller

Concerning use of public funds to finance campaigns for local office.

MOTIONS

On motion of Senator Franklin, Substitute Senate Bill No. 5278 was substituted for Senate Bill No. 5278 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Franklin, the rules were suspended, Substitute Senate Bill No. 5278 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Franklin, Spanel, Murray and Oemig spoke in favor of passage of the bill.

Senators Zarelli, Berkey and Roach spoke against passage of the bill.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

MOTION

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On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5278 was deferred and the bill held its place on the third reading calendar.

SECOND READING

SENATE BILL NO. 5469, by Senators Prentice, Parlette, Franklin, Benton, Hobbs, Keiser and Schoesler

Modifying provisions concerning pawnbrokers.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5469 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Regala, Senator Kastama was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5469.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5469 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, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Jacobsen and Kastama - 2

SENATE BILL NO. 5469, 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. 5269, by Senators McAuliffe, Delvin, Kauffman, Roach, Franklin, Rasmussen, Kohl-Welles, Sheldon, Marr, Murray, Oemig, Jacobsen, Rockefeller, Shin and Kilmer

Establishing the first peoples' language, culture, and history teacher certification program. Revised for 1st Substitute: Establishing the first peoples' language and culture teacher certification program.

MOTION

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

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MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Teaching first peoples' languages and cultures is a critical factor in successful educational experiences and promoting cultural sensitivity for all students. Experience shows such teaching dramatically raises student achievement. The effect is particularly strong for Native American students;

(2) Native American students have the highest high school dropout rate among all groups of students. Less than one-fourth of Native American students in the class of 2008 are on track to graduate based on the results of the Washington assessment of student learning. Positive and supportive educational experiences are critical for Native American students' success;

(3) The sole expertise of sovereign tribal governments in the transmission of their indigenous languages, heritage, cultural knowledge, customs, and traditions should be honored;

(4) Government-to-government collaboration between the state and the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington serves to implement the spirit of the 1989 centennial accord and other similar government-to-government agreements, including the 2004 accord between the federally recognized Indian tribes with treaty reserved rights in Washington state and the state of Washington;

(5) Establishing a first peoples' language and culture teacher certification program both achieves educational objectives and models effective government-to-government relationships;

(6) Establishing a first peoples' language and culture certification program implements the following policy objectives of P.L. 101-477, the federal Native American languages act of 1990, in a tangible way:

(a) To preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages;

(b) To allow exceptions to teacher certification requirements for federal programs and programs funded in whole or in part by the federal government, for instruction in Native American languages when such teacher certification requirements hinder the employment of qualified teachers who teach in Native American languages, and to encourage state and territorial governments to make similar exceptions;

(c) To encourage and support the use of Native American languages as a medium of instruction in order to encourage and support Native American language survival, educational opportunity, increased student success and performance, increased student awareness and knowledge of their culture, and increased student and community pride;

(d) To encourage state and local education programs to work with Native American parents, educators, Indian tribes, and other Native American governing bodies in the implementation of programs to put this policy into effect; and

(e) To encourage all institutions of elementary, secondary, and higher education, where appropriate, to include Native American languages in the curriculum in the same manner as foreign languages and to grant proficiency in Native American languages the same full academic credit as proficiency in foreign languages;

(7) Establishing a first peoples' language and culture certification program is consistent with the intent of presidential executive order number 13336 from 2004, entitled "American Indian and Alaska native education," to assist students in meeting the challenging student academic standards of P.L. 107-110, the no child left behind act of 2001, in a manner that is consistent with tribal traditions, languages, and cultures.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.410 RCW to read as follows:

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(1) The Washington state first peoples' language and culture teacher certification program is established. The professional educator standards board shall adopt rules to implement the program in collaboration with the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington, including the tribal leader congress on education and the first peoples' language and culture committee. The collaboration required under this section shall be defined by a protocol for cogovernance in the first peoples' language and culture teacher certification program developed by the professional educator standards board, the office of the superintendent of public instruction, and the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington.

(2) Any sovereign tribal government whose traditional lands and territories lie within the borders of the state of Washington may participate individually on a government-to-government basis in the program.

(3) Under the first peoples' language and culture teacher certification program:

(a) Only a participating sovereign tribal government may certify individuals who meet the tribe's criteria for certification as a teacher in the Washington state first peoples' language and culture program. Before certification of the individual, the participating sovereign tribal government may conduct a background check through the tribal police departments within Washington state to determine, to the extent possible, whether the individual has been convicted of any crimes that may otherwise disqualify the person from being awarded a teacher certificate and provide the information to the office of the superintendent of public instruction. The office of the superintendent of public instruction shall not authorize or accept a certificate or endorsement in Washington state first peoples' language and culture without certification from a participating sovereign tribal government and without conducting a record check of an individual applying for certification as required under RCW 28A.410.010;

(b) For each teacher to be certified in the program, the participating sovereign tribal government shall submit information and documentation necessary for the issuance of a state certificate, as defined by rule, to the office of the superintendent of public instruction;

(c) A Washington state first peoples' language and culture teacher certificate serves as a subject area endorsement in first peoples' language and culture. The holder of a Washington state first peoples' language and culture teacher certificate who does not also hold an initial, residency, continuing, or professional teaching certificate authorized by the professional educator standards board may be assigned to teach only the languages and cultures designated on the certificate and no other subject;

(d) In order to teach first peoples' language and culture, teachers must hold certificates from both the office of the superintendent of public instruction and from the sovereign tribal government; and

(e) The holder of a Washington state first peoples' language and culture teacher certificate meets Washington state's definition of a highly qualified teacher under P.L. 107-110, the no child left behind act of 2001, for the purposes of teaching first peoples' language and culture, subject to approval by the United States department of education.

(4) First peoples' language/culture teacher certificates issued by the state board of education or the professional educator standards board under a pilot program before the effective date of this section remain valid as certificates under this section, subject to the provisions of this chapter.

(5) Schools and school districts on or near tribal reservations are encouraged to contract with sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington and first peoples' language and culture certification programs for in-service teacher training and continuing education in the culture

appropriate for their geographic area, as well as suggested pedagogy and instructional strategies.

Sec. 3. RCW 28A.415.020 and 2006 c 263 s 808 are each amended to read as follows:

(1) Certificated personnel shall receive for each ten clock hours of approved in-service training attended the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(2) Certificated personnel shall receive for each ten clock hours of approved continuing education earned, as continuing education is defined by rule adopted by the professional educator standards board, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(3) Certificated personnel shall receive for each forty clock hours of participation in an approved internship with a business, an industry, or government, as an internship is defined by rule of the professional educator standards board in accordance with RCW 28A.415.025, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(4) An approved in-service training program shall be a program approved by a school district board of directors, which meet standards adopted by the professional educator standards board, and the development of said program has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415.040, or a program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the professional educator standards board, or both.

(5) Clock hours eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee as described in subsections (1) and (2) of this section, shall be those hours acquired after August 31, 1987. Clock hours eligible for application to the salary schedule as described in subsection (3) of this section shall be those hours acquired after December 31, 1995.

(6) In-service training or continuing education in first peoples' language or culture provided by a sovereign tribal government participating in the Washington state first peoples' language and culture program authorized under section 2 of this act shall be considered approved in-service training or approved continuing education under this section and RCW 28A.415.023.

NEW SECTION. Sec. 4. This act may be known and cited as the "First peoples' language/culture teacher certification act: Honoring our ancestors."

MOTION

Senator Stevens moved that the following amendment by Senator Stevens to the striking amendment be adopted.

On page 3, line 12 of the amendment, after "Washington", insert "and who is a signatory to the 1989 centennial accord"

Renumber the sections consecutively and correct any internal references accordingly.

Senator Stevens spoke in favor of adoption of the amendment to the striking amendment.

Senator Kauffman spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Stevens to the striking amendment on page 3, line 12 to Substitute Senate Bill No. 5269.

The motion by Senator Stevens failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

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Senator Holmquist moved that the following amendment by Senators Holmquist and Kauffman to the striking amendment be adopted.

On page 3, line 21 of the striking amendment, after "government", strike "may", and insert "shall"

Re-number the sections consecutively and correct any internal references accordingly.

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Holmquist and Kauffman to the striking amendment on page 3, line 21 to Substitute Senate Bill No. 5269.

The motion by Senator Holmquist carried and the 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 by Senator McAuliffe as amended to Substitute Senate Bill No. 5269.

The motion by Senator McAuliffe 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 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 28A.415.020; adding a new section to chapter 28A.410 RCW; and creating new sections."

MOTION

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

Senators McAuliffe and Clements 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. 5269.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5269 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, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5269, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5272, by Senators Haugen and Sheldon

Modifying the administration of fuel taxes.

The measure was read the second time.

MOTION

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

On page 21, beginning on line 6, after "delivered" strike all material through "copying" on line 10 and insert "annually to the director of the department of licensing by July 1st, unless the agreement is reached between January 1st and June 30th of a given year, then the report is due July 1st of the following year. The compliance report must include verification of all dollars received from fuel tax proceeds and verification of all dollars spent. This compliance report shall be a public record as defined in RCW 42.17.020(41) and shall be provided upon lawful request by the director of the department of licensing"

Re-number the remaining subsections consecutively and correct internal references accordingly.

Senator Clements spoke in favor of adoption of the amendment.

Senator Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Clements on page 21, line 6 to Senate Bill No. 5272.

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

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5272 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Sheldon spoke in favor of passage of the bill.

Senators Holmquist and Hewitt spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5272.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5272 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 34

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Schoesler, Stevens and Zarelli - 14

Excused: Senator Jacobsen - 1

SENATE BILL NO. 5272, 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. 6011, by Senators Poulsen, Eide, Brown, Rockefeller, Spanel, Fraser, Weinstein, Murray, Pridemore and Keiser

Creating the Maury Island aquatic reserve.

MOTION

On motion of Senator Poulsen, Substitute Senate Bill No. 6011 was substituted for Senate Bill No. 6011 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 3, line 22, after "low-impact" strike "public"

On page 3, line 32, after "low-impact" strike "public"

On page 4, line 4, after "78.44.031" insert ", unless such a mine has been designated a mineral land of long-term commercial significance under chapter 36.70A RCW,"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Poulsen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 3, line 22 to Substitute Senate Bill No. 6011.

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

MOTION

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

On page 5, beginning on line 3, strike all of section 3

On page 1, line 2 of the title, after "79.105.210;" insert "and" and on line 3, after "RCW" strike "; and declaring an emergency"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Poulsen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 5, line 3 to Substitute Senate Bill No. 6011.

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

MOTION

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

On page 5, after line 2, insert the following:

"**NEW SECTION. Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Re-number the remaining section consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "RCW;" insert "creating a new section;"

Senator Honeyford spoke in favor of adoption of the

amendment.

Senator Prentice spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 5, line 2 to Substitute Senate Bill No. 6011.

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

MOTION

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

On page 3, line 22, after "low-impact" strike "public"

On page 3, line 32, after "low-impact" strike "public"

On page 4, beginning on line 1, strike all of subsection (5)

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Poulsen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 3, line 22 to Substitute Senate Bill No. 6011.

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

MOTION

On motion of Senator Poulsen, the rules were suspended, Substitute Senate Bill No. 6011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen, Rockefeller and Regala spoke in favor of passage of the bill.

Senators Honeyford, Pflug, Carrell, Sheldon and Stevens spoke against passage of the bill.

MOTION

Senator Eide demanded that the previous question be put.

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

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

The motion by Senator Eide that the previous question be put was sustained by a rising voice vote.

PARLIAMENTARY INQUIRY

Senator Hewitt: "Thank you Mr. President. There was a suggestion on the floor that this was against the constitution so I'm not sure what we would ask for on this ruling. Would that ruling come from you as to whether it's a special piece of legislation, special interest legislation?"

Senator Brown: "Thank you Mr. President, I was not clear on the point raised by the Senator but it seems to me he was speaking to the constitutionality issue that was raised during the debate. My point would be to suggest that although we appreciate your rulings on many issues the President does not normally rule on constitutional questions."

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REPLY BY THE PRESIDENT

President Owen: "Senator Brown, you would be correct except for the cases when there is a rule of the Senate that is in direct relationship to the constitution or in determining the number of votes necessary because of the constitution. So, that therefore there are times when the President does rule. As a rule, the President does not on issues of constitutionality, that could be and would be determined by the courts. The President believes that that's where this ruling would go but we're trying to figure out how exactly, how we get to that answer. not to make that answer come out, but in order to give it to you in the correct fashion, so that's what we're debating up here."

REPLY BY THE PRESIDENT

President Owen: "Senator Hewitt, the President believes that the answer to your question is a point of order would be raised as to whether or not this legislation is appropriately before us because of the prohibitions against special legislation of Article 2, Section 28 of the constitution. Should you raise that question the President would rule that it is a question that would be determined not by the President because it is not parliamentary issue. it is a constitutional issue that would be determined by the courts. So you can raise it if you would like."

POINT OF PARLIAMENTARY INQUIRY

Senator Sheldon: "Since I'd raised this originally, I'd just like to make a quick, if I could, a quick argument. That usually sways you I know....."

REPLY BY THE PRESIDENT

President Owen: "Senator Sheldon, let me make a clarification. You did not raise the point of order. You only raised the issue, so there's not a point of order before us at this time."

POINT OF ORDER

Senator Sheldon: "Mr. President, thinking Article 2, Section 28, the constitution is very clear in delineating that special legislation must not be used, must not be enacted by the Legislature to overturn and to change civil law. It appears, in this case that the State Court of Appeals has ruled in this issue. And I think it's a straight forward case of the Legislature trying to undo a court decision."

REPLY BY THE PRESIDENT

President Owen: "Senator Sheldon has raised the point of order that this legislation would be considered special legislation and conflict prohibited by Article 2, Section 28 and therefore is not properly before us."

REPLY BY THE PRESIDENT

President Owen: "Senator Sheldon, in ruling on your point of order on this issue the President has consistently provided that it is the Legislature's responsibility to determine whether or not they feel an issue is constitutional or is not. It is not the President's place to make that determination, yet the courts. If the Legislature is wrong, then the courts will make that determination but not the President. Therefore, your point of order is not well taken."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6011.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6011 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Spanel and Weinstein - 26

Voting nay: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Haugen, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli - 22

Excused: Senator Jacobsen - 1

SUBSTITUTE SENATE BILL NO. 6011, 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, Substitute Senate Bill No. 6011 was immediately transmitted to the House of Representatives.

SECOND READING

SENATE BILL NO. 5174, by Senators Pridemore and Schoesler

Making technical corrections in the public retirement systems. Revised for 1st Substitute: Making corrections in the public retirement systems.

MOTIONS

On motion of Senator Pridemore, Substitute Senate Bill No. 5174 was substituted for Senate Bill No. 5174 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pridemore, the rules were suspended, Substitute Senate Bill No. 5174 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore 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. 5174.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5174 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, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

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SUBSTITUTE SENATE BILL NO. 5174, 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. 5251, by Senators Kohl-Welles, Clements, Hobbs, Parlette, Pridemore and Hatfield

Establishing the term of existence of a collective bargaining agreement.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.56.070 and 1975 1st ex.s. c 296 s 18 are each amended to read as follows:

In the event the commission elects to conduct an election to ascertain the exclusive bargaining representative, and upon the request of a prospective bargaining representative showing written proof of at least thirty percent representation of the public employees within the unit, the commission shall hold an election by secret ballot to determine the issue. The ballot shall contain the name of such bargaining representative and of any other bargaining representative showing written proof of at least ten percent representation of the public employees within the unit, together with a choice for any public employee to designate that he does not desire to be represented by any bargaining agent. Where more than one organization is on the ballot and neither of the three or more choices receives a majority vote of the public employees within the bargaining unit, a run-off election shall be held. The run-off ballot shall contain the two choices which received the largest and second-largest number of votes. No question concerning representation may be raised within one year of a certification or attempted certification. Where there is a valid collective bargaining agreement in effect, no question of representation may be raised except during the period not more than ninety nor less than sixty days prior to the expiration date of the agreement. Any agreement which contains a provision for automatic renewal or extension of the agreement shall not be a valid agreement; nor shall any agreement be valid if it provides for a term of existence for more than three years, except that any agreement entered into between cities, counties, or municipal corporations, and their respective employees, may provide for a term of existence of up to six years.

Sec. 2. RCW 41.56.070 and 1975 1st ex.s. c 296 s 18 are each amended to read as follows:

In the event the commission elects to conduct an election to ascertain the exclusive bargaining representative, and upon the request of a prospective bargaining representative showing written proof of at least thirty percent representation of the public employees within the unit, the commission shall hold an election by secret ballot to determine the issue. The ballot shall contain the name of such bargaining representative and of any other bargaining representative showing written proof of at least ten percent representation of the public employees within the unit, together with a choice for any public employee to designate that he does not desire to be represented by any bargaining agent. Where more than one organization is on the ballot and neither of the three or more choices receives a majority vote of the public employees within the bargaining unit, a run-off election shall be held. The run-off ballot shall contain the two choices which received the largest and second-largest number of

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votes. No question concerning representation may be raised within one year of a certification or attempted certification. Where there is a valid collective bargaining agreement in effect, no question of representation may be raised except during the period not more than ninety nor less than sixty days prior to the expiration date of the agreement. Any agreement which contains a provision for automatic renewal or extension of the agreement shall not be a valid agreement; nor shall any agreement be valid if it provides for a term of existence for more than three years, except that any agreement entered into between school districts and their respective employees may provide for a term of existence of up to six years."

Senators Kohl-Welles and Clements 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 Kohl-Welles and Clements to Senate Bill No. 5251.

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 "agreement;" strike the remainder of the title and insert "and amending RCW 41.56.070 and 41.56.070."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 5251 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements 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. 5251.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5251 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, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Kastama - 1

Excused: Senator Jacobsen - 1

ENGROSSED SENATE BILL NO. 5251, 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. 5560, by Senators Schoesler, Zarelli, Regala and Prentice

Making changes of a technical nature to tax laws.

MOTION

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On motion of Senator Schoesler, Substitute Senate Bill No. 5560 was substituted for Senate Bill No. 5560 and the substitute bill was placed on the second reading and read the second time.

Senator Schoesler spoke in favor of the substitute bill.

MOTION

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 5560 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Regala, Senators Kastama and Kline were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5560.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5560 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

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

Absent: Senator Hargrove - 1

Excused: Senators Jacobsen, Kastama and Kline - 3

SUBSTITUTE SENATE BILL NO. 5560, 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. 5920, by Senators Kohl-Welles, Keiser, Shin and Rasmussen

Establishing a pilot program for vocational rehabilitation services.

MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5920 was substituted for Senate Bill No. 5920 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Clements moved that the following amendment by Senators Clements and Kohl-Welles be adopted.

On page 2, line 6, after "appropriate," insert the following:

"An injured worker may not participate in vocational rehabilitation under this section or section 2 of this act if such participation would result in a payment of benefits as described in RCW 51.32.240(5), and any benefits so paid shall be recovered according to the terms of that section."

Senators Clements and Kohl-Welles 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 Clements and Kohl-Welles on page 2, line 6 to Substitute Senate Bill No. 5920.

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

MOTION

On motion of Senator Delvin, Senator Brandland was excused.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Clements and Kohl-Welles be adopted.

On page 5, line 14, after "certain", insert "state fund"

On page 11, line 12, after "For" insert "state fund"

On page 11, line 32, after "experience." strike everything through "paid." on line 36.

On page 12, line 7, after "to the" strike everything through "self-insurers." on line 13, and insert "state fund employer was provided and the average cost per claim. A report to the vocational rehabilitation subcommittee and the legislature shall also be made annually including the number of claims and average cost per claim reported by self-insured employers for claims meeting the requirements in subsection (1)(a), (b) and (d) of this section."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Kohl-Welles 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 Clements and Kohl-Welles on page 5, line 14 to Substitute Senate Bill No. 5920.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

Senator Clements moved that the following amendment by Senators Clements and Kohl-Welles be adopted.

On page 6, line 7, after "development", insert the following: "The department will also assist stakeholders in developing additional vocational training programs in various industries, including but not limited to agriculture and construction. These programs will expand the choices available to injured workers in developing their vocational training plans with the assistance of vocational professionals."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Clements and Kohl-Welles 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 Clements and Kohl-Welles on page 6, line 7 to Substitute Senate Bill No. 5920.

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

MOTION

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Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Clements be adopted.

On page 6, line 29, after "2012." insert "The annual report shall include the number of workers who have participated in more than one vocational training plan beginning with plans approved on January 1, 2008, and in which industries those workers were employed."

Senators Kohl-Welles and Clements 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 Kohl-Welles and Clements on page 6, line 29 to Substitute Senate Bill No. 5920.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 5920 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements 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 Engrossed Substitute Senate Bill No. 5920.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5920 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 42

Voting nay: Senators Benton, Honeyford, McCaslin and Morton - 4

Excused: Senators Brandland, Jacobsen and Kastama - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5920, 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. 5525, by Senators Oemig, Swecker and Regala

Adding city officials to the list of public agencies eligible for medical insurance coverage outside of compensation.

The measure was read the second time.

MOTION

On motion of Senator Oemig, the rules were suspended, Senate Bill No. 5525 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 declared the question before the Senate to be the final passage of Senate Bill No. 5525.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5525 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 41

Voting nay: Senators Benton, Hewitt, Holmquist, Honeyford, Schoesler and Stevens - 6

Excused: Senators Brandland and Jacobsen - 2

SENATE BILL NO. 5525, 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. 5674, by Senators Haugen, Fairley and Kline

Authorizing registered voters who reside outside of, but own land in, a water district to be elected as a water district commissioner.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 5674 was substituted for Senate Bill No. 5674 and the substitute bill was placed on the second reading and read the second time.

Senator Haugen spoke in favor of the substitute bill.

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5674 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. 5674.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5674 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

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

Voting nay: Senator Carrell - 1

Excused: Senators Brandland and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 5674, having received the constitutional majority, was declared passed. There being no

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

MOTION

At 5:03 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Wednesday, March 7, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

5101	Second Reading	1	5272	Second Reading	9
5101-S	Second Reading	1	5272	Third Reading Final Passage	9
	Third Reading Final Passage	1	5278	Second Reading	6
5104	Second Reading	5	5278-S	Second Reading	6
5104-S	Second Reading	5	5304	Second Reading	3
	Third Reading Final Passage	5		Third Reading Final Passage	3
5137	Second Reading	4	5366	Second Reading	1
5137-S	Second Reading	4	5366-S	Second Reading	1
	Third Reading Final Passage	4		Third Reading Final Passage	2
5174	Second Reading	11	5399	Second Reading	2
5174-S	Second Reading	11		Third Reading Final Passage	2
	Third Reading Final Passage	12	5451	Second Reading	2
5202	Second Reading	3		Third Reading Final Passage	2
5202-S	Second Reading	4	5469	Second Reading	7
	Third Reading Final Passage	4		Third Reading Final Passage	7
5225	Second Reading	3	5525	Second Reading	14
5225-S	Second Reading	3		Third Reading Final Passage	14
	Third Reading Final Passage	3	5560	Second Reading	12
5236	Second Reading	2	5560-S	Second Reading	13
5236-S	Second Reading	2		Third Reading Final Passage	13
	Third Reading Final Passage	2	5620	Second Reading	4
5251	Other Action	12		Third Reading Final Passage	5
	Second Reading	12	5639	Second Reading	3
	Third Reading Final Passage	12	5639-S	Second Reading	3
5258	Second Reading	5		Third Reading Final Passage	3
	Third Reading Final Passage	5	5674	Second Reading	14
5269	Second Reading	7	5674-S	Second Reading	14
5269-S	Other Action	9		Third Reading Final Passage	14
	Second Reading	7, 8, 9	5775	Second Reading	4
	Third Reading Final Passage	9		Third Reading Final Passage	4
			5920		

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Second Reading 13

5920-S
 Second Reading 13, 14
 Third Reading Final Passage 14

5983
 Second Reading 6
 Third Reading Final Passage 6

6011
 Second Reading 10

6011-S
 Second Reading 10
 Third Reading Final Passage 11

6146
 Introduction & 1st Reading 1

8407
 Introduction & 1st Reading 1

8645
 Adopted 6
 Introduced 5

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