

**FORTY-FOURTH DAY**

**NOON SESSION**

Senate Chamber, Olympia, Tuesday, February 20, 2007

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

**MOTION**

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

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 19, 2007

SB 5064 Prime Sponsor, Jacobsen: Designating the Garry Oak as the state oak tree. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5121 Prime Sponsor, Kohl-Welles: Modifying provisions affecting suspension of liquor licenses. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist and Murray

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5220 Prime Sponsor, Jacobsen: Supporting nature-based tourism. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Stevens

Passed to Committee on Ways & Means.

February 19, 2007

SB 5382 Prime Sponsor, Kauffman: Authorizing record checks for employees and applicants for employment at bureau of Indian affairs-funded schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5385 Prime Sponsor, Shin: Providing the Washington higher education facilities authority the ability to originate and purchase educational loans and to issue student loan revenue bonds. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5438 Prime Sponsor, Eide: Creating the Washington community learning center program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senator Zarelli

Passed to Committee on Ways & Means.

February 19, 2007

SB 5450 Prime Sponsor, Rasmussen: Allowing students whose individualized education program continues beyond high school to participate in high school graduation ceremonies. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5450 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5451 Prime Sponsor, Rasmussen: Authorizing students who are covered by section 504 of the rehabilitation act of 1973 to obtain a certificate of individual achievement. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5537 Prime Sponsor, Fairley: Modifying provisions relating to reclassifications, class studies, and salary adjustments. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist and Murray

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Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Schoesler and Sheldon

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SB 5551 Prime Sponsor, Prentice: Enhancing enforcement of liquor and tobacco laws. Reported by Committee on Labor, Commerce, Research & Development

Passed to Committee on Ways & Means.

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist and Murray

February 19, 2007  
SB 5784 Prime Sponsor, Shin: Exempting required college instructional materials from sales and use taxation. Reported by Committee on Higher Education

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 5784 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

February 19, 2007

SB 5581 Prime Sponsor, Kohl-Welles: Creating a mathematics/science scholar diploma designation and scholarship. Reported by Committee on Higher Education

Passed to Committee on Ways & Means.

MAJORITY recommendation: That Substitute Senate Bill No. 5581 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

February 16, 2007  
SB 5796 Prime Sponsor, Hargrove: Authorizing earned release credit in county alternative sentencing programs. Revised for 1st Substitute: Addressing credit for time served in a county supervised community option. Reported by Committee on Human Services & Corrections

Passed to Committee on Ways & Means.

MAJORITY recommendation: That Substitute Senate Bill No. 5796 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

February 16, 2007

SB 5612 Prime Sponsor, Kilmer: Establishing a statewide online business training and entrepreneurial curriculum. Reported by Committee on Economic Development, Trade & Management

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 5612 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

February 19, 2007  
SB 5806 Prime Sponsor, Schoesler: Implementing Washington learns higher education recommendations. Reported by Committee on Higher Education

Passed to Committee on Ways & Means.

MAJORITY recommendation: That Substitute Senate Bill No. 5806 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

February 19, 2007

SB 5677 Prime Sponsor, Murray: Concerning adjustments to industrial insurance total disability compensation reductions. Reported by Committee on Labor, Commerce, Research & Development

Passed to Committee on Ways & Means.

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist and Murray

February 19, 2007  
SB 5855 Prime Sponsor, Delvin: Implementing the Washington learns modifications. Reported by Committee on Higher Education

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 5855 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

February 19, 2007

SB 5731 Prime Sponsor, Shin: Creating a committee on the education of students in high demand fields. Reported by Committee on Higher Education

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 5731 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

February 19, 2007  
SB 5904 Prime Sponsor, Keiser: Establishing payments for medicaid contracted services in boarding homes. Reported by Committee on Health & Long-Term Care

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Without recommendation. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr and Pflug

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SB 5782 Prime Sponsor, McAuliffe: Regarding child care grants for students at institutions of higher education. Reported by Committee on Higher Education

Passed to Committee on Ways & Means.

MAJORITY recommendation: Do pass. Signed by

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SGA 9082 STEVEN ADELSTEIN, appointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Community College District No. 21 (Whatcom Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 19, 2007  
SGA 9085 ANTHONY ARONICA, appointed July 1, 2006, for the term ending June 30, 2007, as Member, Board of Trustees, Central Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 19, 2007  
SGA 9095 JAY CARMONY, appointed July 1, 2006, for the term ending June 30, 2007, as Member, Board of Trustees, The Evergreen State College. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 19, 2007  
SGA 9115 FRANCOIS FORGETTE, appointed May 11, 2005, for the term ending September 30, 2007, as Member, Board of Regents, Washington State University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 19, 2007  
SGA 9126 MIKE HUDSON, appointed August 1, 2005, for the term ending June 30, 2009, as Member of the Work Force Training and Education Coordinating Board. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 19, 2007  
SGA 9168 ANNE PROFFITT, appointed November 16, 2006, for the term ending September 30, 2012, as Member, Board of Trustees, The Evergreen State College. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be

confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 19, 2007  
SGA 9174 CHARLES ROBINSON, appointed November 10, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Community College District No. 21 (Whatcom Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 19, 2007  
SGA 9245 GORDON (DON) PIERCY, appointed January 15, 2007, for the term ending September 30, 2011, as Member, Board of Trustees, Skagit Valley Community College District No. 4. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 6091 by Senators Tom, Honeyford, Weinstein, Oemig, Kauffman, Kilmer, Delvin and Jacobsen

AN ACT Relating to making credit card payments in person; adding a new section to chapter 30.04 RCW; adding a new section to chapter 31.12 RCW; adding a new section to chapter 32.04 RCW; and adding a new section to chapter 33.04 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 6092 by Senators Keiser, Delvin, Poulsen, Morton and Tom

AN ACT Relating to improving the administration of taxes by implementing weight-based taxation for moist snuff; amending RCW 82.26.010, 82.26.020, and 82.26.030; adding a new section to chapter 82.26 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6093 by Senators Fraser and Rasmussen

AN ACT Relating to retirement allowance limits for certain plan 1 members of the public employees' retirement system and teachers' retirement system; adding a new section to chapter 41.40 RCW; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1024 by House Committee on Select Committee on Environmental Health (originally sponsored by Representatives Hunter, Priest, Kessler, B. Sullivan, Dickerson, Jarrett, Hasegawa, Campbell, Rodne, Rolfes, McDermott, McIntire, Chase, Green, Hudgins, Upthegrove, Quall, Conway, Clibborn, Sommers, Morrell, Sells, Kenney, Haigh, Cody, Hunt, Lantz, McCoy, Appleton, Pettigrew, Schual-Berke, Roberts, Fromhold, Takko, Simpson, P. Sullivan, Lovick, Flannigan, Moeller, Miloscia, Williams, Blake, O'Brien, Linville, Wood, Goodman, Seaquist, Springer, Ericks, Kagi, Darnelle, Dunshee, Strow, Pedersen, Eickmeyer, McCune and Ormsby)

AN ACT Relating to phasing out the use of polybrominated diphenyl ethers; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Water, Energy & Telecommunications.

SHB 1045 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives B. Sullivan, McCoy, Eickmeyer and Kretz)

AN ACT Relating to maintaining deductions from proceeds of transactions authorized on state lands as determined by the board of natural resources; and amending RCW 79.64.040.

Referred to Committee on Natural Resources, Ocean & Recreation.

EHB 1283 by Representatives Roach, McDonald, Morrell, Rolfes, Kelley, Skinner, Orcutt, Priest, Takko, Conway, Appleton, Newhouse, Haler, Moeller, VanDeWege, McCune, Roberts and Springer

AN ACT Relating to high school diplomas for persons who leave school before graduation to serve in the United States armed forces; and amending RCW 28A.230.120.

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

HB 1366 by Representatives Kessler, DeBolt, Grant, Ericksen, Lantz, Rodne, Williams, Priest, Morrell, Hunt, Appleton, Blake, Chase, Anderson, Darnelle, Dickerson, Linville, Springer, Hurst and Wood

AN ACT Relating to a privilege from compelled testimony for members of the news media; and adding a new chapter to Title 5 RCW.

Referred to Committee on Judiciary.

MOTION

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

MOTION

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

MOTION

Senator Schoesler moved adoption of the following resolution:

SENATE RESOLUTION  
8631

By Senator Schoesler

WHEREAS, The St. John-Endicott Eagles won the Whitman League football title; and

WHEREAS, The Eagles won a wild 92-68 class 1B quarterfinal playoff game over Odessa; and

WHEREAS, St. John-Endicott relied more on its defense in a 32-28 victory over Pateros in the state semifinals to earn its first trip to a state football championship game since 1984; and

WHEREAS, In the state championship game against the Lummi Blackhawks, SJE took a 6-0 halftime lead on an 84-yard touchdown run by Phillip Luft and then added a 27-yard touchdown pass from quarterback Andrew Wolfe to William Harrison in the third quarter before holding on to defeat Lummi 12-6 in the state 1B football championship game at the Tacoma Dome on December 2nd; and

WHEREAS, The 18 points were the lowest combined total in eight-man state football championship game history; and

WHEREAS, Lummi reached SJE's red zone seven times during the game, but the Eagles' defense prevented them from scoring six of those seven times;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulate and honor the St. John-Endicott Eagles players, head coach Joey McCanna, and assistant coaches Bob Clements and Bryan Carter on winning the state 1B football title and finishing their season with a 13-1 record.

Senator Schoesler spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8631.

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

MOTION

Senator Schoesler moved adoption of the following resolution:

SENATE RESOLUTION  
8632

By Senator Schoesler

WHEREAS, The Asotin High School football team began the 2006 season by losing its first three games; and

WHEREAS, The Panthers turned their season around by winning their next six games to finish the regular season with a 6-3 record; and

WHEREAS, Asotin dominated other Southeast 2B League teams by a combined score of 263-32; and

WHEREAS, The Panthers continued their hot streak once they reached the playoffs, defeating Lind-Ritzville, Davenport, and previously undefeated Toutle Lake to reach the state championship game against the undefeated La Salle Lightning; and

WHEREAS, In the state title game, Asotin scored three touchdowns in a six-minute stretch of the second quarter to take a commanding halftime lead en route to defeating La Salle 28-

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10 and capturing the Class 2B state football title on December 1st in the Tacoma Dome; and

WHEREAS, In winning their first ever state football championship, the Panthers became the first three-loss team in the 32 years of Class 2B football to win a state title;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and congratulate the Asotin Panthers on winning the 2006 state Class 2B football championship, especially the players, head coach Salvador Lopez, longtime coach Rick Wilcox, and assistant coaches Corey Mullins, Jim Holman, Ken Parham, and Jim Cook.

Senator Schoesler spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8632.

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

MOTION

At 12:09 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, February 21, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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