

NINETY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, April 18, 2009

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 Fairley, Hobbs, Oemig and Rockefeller.

The Sergeant at Arms Color Guard consisting of Interns Amanda Stauffer and Michael Althaus, presented the Colors. Senator Hargrove 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 fourth order of business.

MESSAGE FROM THE HOUSE

April 17, 2009

MR. PRESIDENT:

The House has passed the following bills:  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2211,  
 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 17, 2009

MR. PRESIDENT:

The House has passed the following bills:  
 SENATE BILL NO. 5568,  
 and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

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  
 8657

By Senator Schoesler

WHEREAS, The Colfax Bulldogs captured their first Washington State 2B Girls' Basketball Championship on Saturday, March 7, 2009, winning four playoff games in four days in Spokane; and

WHEREAS, The Bulldogs, who moved to the 2B classification this season after collecting 16 trophies in 20

appearances at the state girls' 1A basketball tournament, came into the tournament ranked third in the state; and

WHEREAS, The Colfax team won the title by defeating teams from Seattle Lutheran, Liberty Bell, White Pass, and Napavine by an average margin of nearly 23 points per game; and

WHEREAS, The Bulldogs led the championship game from the opening tipoff, handing Napavine its first defeat of the season by a score of 56-35 and finishing their season with a 27-2 record; and

WHEREAS, Colfax junior Kayla Johnson had 23 points, 11 rebounds, and 3 steals against Napavine, her third consecutive 20-point game, on her way to being named the 2B Tournament Most Valuable Player, on top of being chosen First Team All-State; and

WHEREAS, The Bulldogs' Morgan Willson was named Washington State 2B Second Team All-State; and

WHEREAS, Bulldog head basketball coach Corey Baerlocher has led Colfax to state seven times since he began coaching in the Whitman County seat with a record of five Washington State titles in the last six years;

NOW, THEREFORE, BE IT RESOLVED, that the Washington State Senate honor the Colfax Bulldogs girls' basketball team of 2008-09, consisting of Morgan Willson, Brooke Webber, Karyn King, Rachel Johnson, Traci Hart, Abby Erickson, Kayla Johnson, Shaina Simonson, Brittney Burke, Emily Shaw, Alex Berdal, Kayleigh Malton, Rachel Robinson, Taylor Lange, Paige Mackleit, Brady Cornelius, Tom Fowler, Jenna Vuletich, and Corey Baerlocher, on their state 2B basketball championship, Kayla Johnson and Morgan Willson on their well-earned titles, and Corey Baerlocher on his successful career as a coach.

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. 8657.

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

MOTION

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

SECOND READING  
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Berkey moved that Gubernatorial Appointment No. 9161, Betty J. Cobbs, as a member of the Board of Trustees, Everett Community College District No. 5, be confirmed.

Senator Berkey spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Roach was excused.

MOTION

On motion of Senator Marr, Senators Brown, Fairley, Prentice and Rockefeller were excused.

MOTION

On motion of Senator Pridemore, Senator Hobbs was excused.

APPOINTMENT OF BETTY J. COBBS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9161, Betty J. Cobbs as a member of the Board of Trustees, Everett Community College District No. 5.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9161, Betty J. Cobbs as a member of the Board of Trustees, Everett Community College District No. 5 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

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

Absent: Senator Oemig

Excused: Senators Fairley, Hobbs and Rockefeller

Gubernatorial Appointment No. 9161, Betty J. Cobbs, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Everett Community College District No. 5.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Swecker moved that Gubernatorial Appointment No. 9030, Joseph Dolezal, as a member of the Board of Trustees, Centralia Community College District No. 12, be confirmed.

Senator Swecker spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Prentice and Tom were excused.

APPOINTMENT OF JOSEPH DOLEZAL

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9030, Joseph Dolezal as a member of the Board of Trustees, Centralia Community College District No. 12.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9030, Joseph Dolezal as a member of the Board of Trustees, Centralia Community College District No. 12 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

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

Absent: Senator Hargrove

Excused: Senators Fairley, Prentice, Rockefeller and Tom

Gubernatorial Appointment No. 9030, Joseph Dolezal, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Centralia Community College District No. 12.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Swecker moved that Gubernatorial Appointment No. 9106, Joanne H. Schwartz, as a member of the Board of Trustees, Centralia Community College District No. 12, be confirmed.

Senator Swecker spoke in favor of the motion.

MOTION

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

APPOINTMENT OF JOANNE H SCHWARTZ

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9106, Joanne H. Schwartz as a member of the Board of Trustees, Centralia Community College District No. 12.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9106, Joanne H. Schwartz as a member of the Board of Trustees, Centralia Community College District No. 12 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

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

Excused: Senators Fairley, Kastama, Prentice, Regala, Rockefeller and Tom

Gubernatorial Appointment No. 9106, Joanne H. Schwartz, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Centralia Community College District No. 12.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Swecker moved that Gubernatorial Appointment No. 9118, Margaret E. Sundstrom, as a member of the Board of Trustees, Centralia Community College District No. 12, be confirmed.

Senator Swecker spoke in favor of the motion.

MOTION

On motion of Senator McDermott, Senator McAuliffe was excused.

APPOINTMENT OF MARGARET E. SUNDSTROM

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9118, Margaret E. Sundstrom as a member of the Board of Trustees, Centralia Community College District No. 12.

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The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9118, Margaret E. Sundstrom as a member of the Board of Trustees, Centralia Community College District No. 12 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Senators Fairley, Prentice, Regala, Rockefeller and Tom

Gubernatorial Appointment No. 9118, Margaret E. Sundstrom, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Centralia Community College District No. 12.

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2211 by House Committee on Transportation (originally sponsored by Representatives Clibborn, Eddy, Maxwell and Liias)

AN ACT Relating to the authorization, administration, collection, and enforcement of tolls on the state route number 520 corridor; reenacting and amending RCW 43.84.092; adding new sections to chapter 47.56 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

At 10:03 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:12 a.m. by President Owen.

MOTION

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Berkey moved that Gubernatorial Appointment No. 9143, Mason Petit, as a member of the Investment Board, be confirmed.

Senator Berkey spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

APPOINTMENT OF MASON PETIT

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9143, Mason Petit as a member of the Investment Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9143, Mason Petit as a member of the Investment Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

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

Absent: Senator Brown

Excused: Senators Fairley, Regala and Rockefeller

Gubernatorial Appointment No. 9143, Mason Petit, having received the constitutional majority was declared confirmed as a member of the Investment Board.

MOTION

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

MESSAGE FROM THE HOUSE

April 6, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5200 with the following amendment: 5200.E AMH JUDI BARC 026

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 16.08.030 and 1929 c 198 s 7 are each amended to read as follows:

It shall be the duty of any person owning or keeping any dog or dogs which shall be found killing any domestic animal to kill such dog or dogs within forty-eight hours after being notified of that fact, and any person failing or neglecting to comply with the provisions of this section shall be deemed guilty of a misdemeanor (~~and it shall be the duty of the sheriff or any deputy sheriff to kill any dog found running at large (after the first day of August of any year and before the first day of March in the following year) without a metal identification tag).~~)"

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kline moved that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5200 and ask the House to recede therefrom.

Senators Kline spoke in favor of the motion.  
Senators Brandland spoke against the motion.

#### POINT OF INQUIRY

Senator Swecker: "Would Senator Brandland yield to a question? I'm just wondering, is it legal to shoot your own dog?"

Senator Brandland: "I believe it is."

Senator Schoesler moved that the Senate do concur with the House amendments.

The President declared the question before the Senate to be the motion by Senator Schoesler that the Senate do concur with the House amendment(s) to Engrossed Senate Bill No. 5200.

The motion by Senator Schoesler failed by a voice vote.

#### MOTION

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

The President declared the question before the Senate to be motion by Senator Kline that the Senate refuse to concur in the House amendment(s) to Engrossed Senate Bill No. 5200 and ask the House to recede therefrom.

The motion by Senator Kline carried and the Senate refused to concur in the House amendment(s) to Engrossed Senate Bill No. 5200 and asked the House to recede therefrom by voice vote.

#### MESSAGE FROM THE HOUSE

March 30, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5359 with the following amendment: 5359 AMH SGTA REIL 031

On page 1, beginning on line 17, strike all of subsection (2) and insert the following:

"(2) An election official may not issue any ballot with a unique identifying mark, except as specifically authorized by this subsection. Identifying marks placed on a ballot prior to the issuance of the ballot may not vary within an individual precinct. An election official may place a nonsequential, anonymously assigned unique identifying mark on a ballot after the ballot has been returned by a voter, and, if applicable, separated from its security envelope, solely for auditing and vote reconciliation purposes, or to determine if a particular ballot has been previously counted, as long as it is not associated with an individual voter, a voter's address, or a voter's registration number."

On page 2, after line 15, insert the following: "(4) An elections official may not enter into or extend any contract with a vendor that includes any use of identifying marks on ballots, if such contract may allow the vendor to acquire an ownership interest in or knowledge of any data pertaining to any voter, any voters address, registration number, or history, or any ballot." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Oemig moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5359 and ask the House to recede therefrom.

Senators Oemig spoke in favor of the motion.

Senator Roach moved that the Senate do concur with the House amendments to Senate Bill No. 5359.

Senators Roach, Benton and Pflug spoke in favor of the motion.

Senators Oemig and Parlette spoke against the motion.

#### POINT OF INQUIRY

Senator Pflug: "Would Senator Oemig yield to a question? Can you explain why it would be a good thing for a vendor to be allowed to gain ownership rights as in to mark individual ballots and then be able to sell the information later that they gained, because that's the only thing that is prohibited here is for the vendor to mine information and then be able to sell that to have an ownership in it. Why would we want to allow that?"

Senator Oemig: "Thank you for your question. I actually had a hand in crafting this language in this amendment and I don't think we were quite clever enough and here's what the attorneys later told us. Is that today when we out source, not we but when counties out source the kitting instruction of ballots they have a name and a address and now what we'd be basically saying is you can not do this. You can't provide this service because you've learned something about the voter, mainly where they live or perhaps how many times they've voted. Even though it's a public record the attorneys believe that this language would actually prevent that action from happening. Now there's a second, there's another reason why we would send this back besides that piece of language and that goes back to precluding a unique idea on the ballot and again the unique idea is being used by many counties to inventory the ballots to prevent double counting or in other ways to improve their integrity of their reconciliation process. So, we want to send this back and have the House rework the language a little bit and send it back to us. Again, I urge us to turn this, do not concur."

The President declared the question before the Senate to be the motion by Senator Roach that the Senate do concur with the House amendment(s) to Senate Bill No. 5359.

The motion by Senator Roach failed by a voice vote.

The President declared the question before the Senate to be motion by Senator Oemig that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5359 and ask the House to recede therefrom.

The motion by Senator Oemig carried and the Senate refused to concur in the House amendment(s) to Senate Bill No. 5359 and asked the House to recede therefrom by voice vote.

#### MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5277 with the following amendment: 5277 AMH JUDI TANG 053

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 3.62.060 and 2007 c 46 s 3 are each amended to read as follows:

Clerks of the district courts shall collect the following fees for their official services:

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(1) In any civil action commenced before or transferred to a district court, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of forty-three dollars plus any surcharge authorized by RCW 7.75.035. Any party filing a counterclaim, cross-claim, or third-party claim in such action shall pay to the court a filing fee of forty-three dollars plus any surcharge authorized by RCW 7.75.035. No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action other than those listed.

(2) For issuing a writ of garnishment or other writ, or for filing an attorney issued writ of garnishment, a fee of twelve dollars.

(3) For filing a supplemental proceeding a fee of twenty dollars.

(4) For demanding a jury in a civil case a fee of one hundred twenty-five dollars to be paid by the person demanding a jury.

(5) For preparing a transcript of a judgment a fee of twenty dollars.

(6) For certifying any document on file or of record in the clerk's office a fee of five dollars.

(7) At the option of the district court:

(a) For preparing a certified copy of an instrument on file or of record in the clerk's office, for the first page or portion of the first page, a fee of five dollars, and for each additional page or portion of a page, a fee of one dollar;

(b) For authenticating or exemplifying an instrument, a fee of two dollars for each additional seal affixed;

(c) For preparing a copy of an instrument on file or of record in the clerk's office without a seal, a fee of fifty cents per page;

(d) When copying a document without a seal or file that is in an electronic format, a fee of twenty-five cents per page;

(e) For copies made on a compact disc, an additional fee of twenty dollars for each compact disc.

(8) For preparing the record of a case for appeal to superior court a fee of forty dollars including any costs of tape duplication as governed by the rules of appeal for courts of limited jurisdiction (RALJ).

~~((8))~~ (9) At the option of the district court, for clerk's services such as processing ex parte orders, performing historical searches, compiling statistical reports, and conducting exceptional record searches, a fee not to exceed twenty dollars per hour or portion of an hour.

(10) For duplication of part or all of the electronic recording of a proceeding ten dollars per tape or other electronic storage medium.

~~((9))~~ (11) For filing any abstract of judgment or transcript of judgment from a municipal court or municipal department of a district court organized under the laws of this state a fee of forty-three dollars.

(12) At the option of the district court, a service fee of up to three dollars for the first page and one dollar for each additional page for receiving faxed documents, pursuant to Washington state rules of court, general rule 17.

The fees or charges imposed under this section shall be allowed as court costs whenever a judgment for costs is awarded."

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Senate Bill No. 5277.

Senator Kline spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Senate Bill No. 5277.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5277 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5277, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5277, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 12; Absent, 1; Excused, 3.

Voting yea: Senators Berkey, Brown, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Hewitt, Holmquist, Honeyford, Parlette, Roach, Schoesler, Stevens and Zarelli

Absent: Senator Hargrove

Excused: Senators Fairley, Regala and Rockefeller

SENATE BILL NO. 5277, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5008 with the following amendment: 5008 AMH AGNR H2719.3

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.32.155 and 2007 c 163 s 1 are each amended to read as follows:

(1)(a) When purchasing any hunting license, persons under the age of eighteen shall present certification of completion of a course of instruction of at least ten hours in the safe handling of firearms, safety, conservation, and sportsmanship. All persons purchasing any hunting license for the first time, if born after January 1, 1972, shall present such certification.

(b)(i) The director may establish a program for training persons in the safe handling of firearms, conservation, and sportsmanship and shall prescribe the type of instruction and the qualifications of the instructors. The director shall, as part of establishing the training program, exempt members of the United States military from the firearms skills portion of any instruction course completed over the internet.

(ii) The director may cooperate with the National Rifle Association, organized sportsmen's groups, or other public or private organizations when establishing the training program.

(c) Upon the successful completion of a course established under this section, the trainee shall receive a hunter education certificate signed by an authorized instructor. The certificate is evidence of compliance with this section.

(d) The director may accept certificates from other states that persons have successfully completed firearm safety, hunter education, or similar courses as evidence of compliance with this section.

(2)(a) The director may authorize a once in a lifetime, one license year deferral of hunter education training for individuals who are accompanied by a nondeferred Washington-licensed hunter who has held a Washington hunting license for the prior

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three years and is over eighteen years of age. The commission shall adopt rules for the administration of this subsection to avoid potential fraud and abuse.

(b) The director is authorized to collect an application fee, not to exceed twenty dollars, for obtaining the once in a lifetime, one license year deferral of hunter education training from the department. This fee must be deposited into the fish and wildlife enforcement reward account and must be used exclusively to administer the deferral program created in this subsection.

(c) For the purposes of this subsection, "accompanied" means to go along with another person while staying within a range of the other person that permits continual unaided visual and auditory communication.

(3) To encourage the participation of an adequate number of instructors for the training program, the commission shall develop nonmonetary incentives available to individuals who commit to serving as an instructor. The incentives may include additional hunting opportunities for instructors."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Senate Bill No. 5008.

Senators Jacobsen and Morton spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Senate Bill No. 5008.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5008 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5008, as amended by the House.

#### MOTION

On motion of Senator Marr, Senator Hargrove was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5008, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

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

Absent: Senator Shin

Excused: Senators Fairley, Hargrove, Regala and Rockefeller

SENATE BILL NO. 5008, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 6, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5011 with the following amendment: 5011-S.E AMH CL H2886.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority having jurisdiction" means the local organization, office, or individual responsible for enforcing the requirements of the state fire code.

(2) "Director" means the director of fire protection appointed under RCW 43.43.938.

(3) "Distribute" means to do any of the following:

(a) Sell novelty lighters or deliver novelty lighters for sale by another person to consumers;

(b) Sell or accept orders for novelty lighters that are to be transported from a point outside this state to a consumer within this state;

(c) Buy novelty lighters directly from a manufacturer or wholesale dealer for resale in this state;

(d) Give novelty lighters as a sample, prize, gift, or other promotion.

(4) "Manufacturer" means:

(a) An entity that produces, or causes the production of, novelty lighters for sale in this state;

(b) An importer or first purchaser of novelty lighters that intends to resell within this state novelty lighters that were produced for sale outside this state; or

(c) A successor to an entity, importer, or first purchaser described in (a) or (b) of this subsection.

(5)(a) "Novelty lighter" means a lighter that can operate on any fuel, including butane or liquid fuel. Novelty lighters have features that are attractive to children, including but not limited to visual effects, flashing lights, musical sounds, and toylike designs. The term considers the shape of the lighter to be the most important characteristic when determining whether a lighter can be considered a novelty lighter.

(b) "Novelty lighter" does not include disposable cigarette lighters or lighters that are printed or decorated with logos, decals, artwork, or heat shrinkable sleeves.

(6) "Retail dealer" means an entity at one location, other than a manufacturer or wholesale dealer, that engages in distributing novelty lighters.

(7) "Sell" means to transfer, or agree to transfer, title or possession for a monetary or nonmonetary consideration.

(8) "Wholesale dealer" means an entity that distributes novelty lighters to a retail dealer or other person for resale.

**NEW SECTION. Sec. 2.** (1) A person may not distribute or offer to sell a novelty lighter within this state if the director determines the novelty lighter is prohibited for sale or distribution under this chapter.

(2) This section does not apply if the novelty lighters are in interstate commerce and not intended for distribution in this state.

(3) The authority having jurisdiction shall enforce the provisions of this chapter.

**NEW SECTION. Sec. 3.** (1) The authority having jurisdiction may impose a civil penalty for a violation of this chapter. The civil penalty may not exceed:

(a) For a wholesale dealer that distributes or offers to sell novelty lighters to retail dealers or consumers, a written warning for the first violation and a monetary penalty of five hundred dollars for each subsequent violation.

(b) For a retail dealer that distributes or offers to sell novelty lighters to consumers, a written warning for the first violation and a monetary penalty of two hundred fifty dollars for each subsequent violation.

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(2) The authority having jurisdiction may bring an action seeking:

(a) Injunctive relief to prevent or end a violation of this chapter;

(b) To recover civil penalties imposed under subsection (1) of this section; or

(c) To recover attorneys' fees and other enforcement costs and disbursements.

(3) Penalties under this section must be deposited in an account designated by the authority having jurisdiction.

(4) A district court has jurisdiction over all proceedings brought under this section.

**NEW SECTION. Sec. 4.** (1) On the effective date of this section, manufacturers must immediately cease the sale or distribution of novelty lighters in this state.

(2) On the effective date of this section, wholesalers and retail dealers have a maximum of ninety days to reduce their current inventory of novelty lighters. In no instance may wholesalers and retail dealers sell or distribute a novelty lighter in this state after ninety days from the effective date of this section.

**NEW SECTION. Sec. 5.** Sections 1 through 4 of this act constitute a new chapter in Title 70 RCW."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kauffman moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5011.

Senator Kauffman spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Benton was excused.

The President declared the question before the Senate to be the motion by Senator Kauffman that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5011.

The motion by Senator Kauffman carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5011 by voice vote.

MOTION

On motion of Senator Kauffman, Senator Shin was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5011, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5011, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

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

Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Schoesler, Sheldon, Stevens, Swecker and Tom

Voting nay: Senators McDermott and Zarelli

Excused: Senators Fairley, Hargrove, Regala, Rockefeller and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5011, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5038 with the following amendment: 5038 AMH PEDE H3000.1

Beginning on page 219, line 25, strike all of section 5007 and insert the following:

"**Sec. 5007.** RCW 43.03.030 and 2009 c 5 s 4 are each amended to read as follows:

(1) Wherever the compensation of any appointive state officer or employee is fixed by statute, it may be hereafter increased or decreased in the manner provided by law for the fixing of compensation of other appointive state officers or employees; but this subsection shall not apply to the heads of state departments.

(2) Wherever the compensation of any state officer appointed by the governor, or of any employee in any office or department under the control of any such officer, is fixed by statute, such compensation may hereafter, from time to time, be changed by the governor, and he or she shall have power to fix such compensation at any amount not to exceed the amount fixed by statute.

(3) For the twelve months following February 18, 2009, a salary or wage increase shall not be granted to any position under this section."

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Senate Bill No. 5038.

Senators Kohl-Welles and Hatfield spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Senate Bill No. 5038.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5038 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5038, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5038, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 4; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles,

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Marr, McAuliffe, McCaslin, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Roach, Schoesler, Sheldon, Swecker and Tom

MESSAGE FROM THE HOUSE

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Voting nay: Senators Benton, Morton, Stevens and Zarelli

Excused: Senators Fairley, Hargrove, Regala, Rockefeller and Shin

SENATE BILL NO. 5038, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5040 with the following amendment: 5040-S AMH CL H2642.1

On page 2, beginning on line 14, after "(3)" strike all material through "13.04.030" on line 16 and insert "The juvenile court divisions in superior courts within the state have jurisdiction for enforcement of this section" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5040. Senator Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5040.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5040 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5040, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5040, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Senators Fairley, Hargrove, Regala, Rockefeller and Shin

SUBSTITUTE SENATE BILL NO. 5040, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Eide, Senator Prentice was excused.

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5042 with the following amendments: 5042-S AMH SGTA OBRT 036 & 5042-S AMH SGTA 061

On page 2, at the beginning of line 8, strike "or"

On page 2, line 8, after "receipt" insert ", a regulated entity's financial filings, or insurance rate or form filing"

On page 2, after line 33, insert the following:

"(6) Nothing in this section shall be construed to apply to small businesses required to provide accurate and complete information and documentation in relation to any claim for payment of state or federal funds or who are licensed or certified to provide care and services to vulnerable adults or children."

Remember the subsections consecutively and correct any internal references accordingly.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5042. Senator Kilmer spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5042.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5042 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5042, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5042, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

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

Excused: Senators Fairley, Hargrove, Prentice, Regala, Rockefeller and Shin

SUBSTITUTE SENATE BILL NO. 5042, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO.



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5056 with the following amendment: 5056-S AMH HCW H2777.3

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 18.73 RCW to read as follows:

(1) Except when treatment is provided in a hospital licensed under chapter 70.41 RCW, a physician's trained emergency medical service intermediate life support technician and paramedic, emergency medical technician, or first responder who renders treatment to a patient for (a) a bullet wound, gunshot wound, powder burn, or other injury arising from or caused by the discharge of a firearm; (b) an injury caused by a knife, an ice pick, or any other sharp or pointed instrument which federal, state, or local law enforcement authorities reasonably believe to have been intentionally inflicted upon a person; (c) a blunt force injury that federal, state, or local law enforcement authorities reasonably believe resulted from a criminal act; or (d) injuries sustained in an automobile collision, shall disclose without the patient's authorization, upon a request from a federal, state, or local law enforcement authority as defined in RCW 70.02.010(3), the following information, if known:

- (i) The name of the patient;
- (ii) The patient's residence;
- (iii) The patient's sex;
- (iv) The patient's age;
- (v) The patient's condition or extent and location of injuries as determined by the physician's trained emergency medical service intermediate life support technician and paramedic, emergency medical technician, or first responder;
- (vi) Whether the patient was conscious when contacted;
- (vii) Whether the patient appears to have consumed alcohol or appears to be under the influence of alcohol or drugs;
- (viii) The name or names of the physician's trained emergency medical service intermediate life support technician and paramedic, emergency medical technician, or first responder who provided treatment to the patient; and
- (ix) The name of the facility to which the patient is being transported for additional treatment.

(2) A physician's trained emergency medical service intermediate life support technician and paramedic, emergency medical technician, first responder, or other individual who discloses information pursuant to this section is immune from civil or criminal liability or professional licensure action for the disclosure, provided that the physician's trained emergency medical service intermediate life support technician and paramedic, emergency medical technician, first responder, or other individual acted in good faith and without gross negligence or willful or wanton misconduct.

(3) The obligation to provide information pursuant to this section is secondary to patient care needs. Information must be provided as soon as reasonably possible taking into consideration a patient's emergency care needs.

(4) For purposes of this section, "a physician's trained emergency medical service intermediate life support technician and paramedic" has the same meaning as in RCW 18.71.200.

**NEW SECTION. Sec. 2.** A new section is added to chapter 70.41 RCW to read as follows:

(1) A hospital shall report to a local law enforcement authority as soon as reasonably possible, taking into consideration a patient's emergency care needs, when the hospital provides treatment for a bullet wound, gunshot wound, or stab wound to a patient who is unconscious. A hospital shall establish a written policy to identify the person or persons responsible for making the report.

(2) The report required under subsection (1) of this section must include the following information, if known:

- (a) The name, residence, sex, and age of the patient;
- (b) Whether the patient has received a bullet wound, gunshot wound, or stab wound; and

(c) The name of the health care provider providing treatment for the bullet wound, gunshot wound, or stab wound.

(3) Nothing in this section shall limit a person's duty to report under RCW 26.44.030 or 74.34.035.

(4) Any bullets, clothing, or other foreign objects that are removed from a patient for whom a hospital is required to make a report pursuant to subsection (1) of this section shall be preserved and kept in custody in such a way that the identity and integrity thereof are reasonably maintained until the bullets, clothing, or other foreign objects are taken into possession by a law enforcement authority or the hospital's normal period for retention of such items expires, whichever occurs first.

(5) Any hospital or person who in good faith, and without gross negligence or willful or wanton misconduct, makes a report required by this section, cooperates in an investigation or criminal or judicial proceeding related to such report, or maintains bullets, clothing, or other foreign objects, or provides such items to a law enforcement authority as described in subsection (4) of this section, is immune from civil or criminal liability or professional licensure action arising out of or related to the report and its contents or the absence of information in the report, cooperation in an investigation or criminal or judicial proceeding, and the maintenance or provision to a law enforcement authority of bullets, clothing, or other foreign objects under subsection (4) of this section.

(6) The physician-patient privilege described in RCW 5.60.060(4), the registered nurse-patient privilege described in RCW 5.62.020, and any other health care provider-patient privilege created or recognized by law are not a basis for excluding as evidence in any criminal proceeding any report, or information contained in a report made under this section.

(7) All reporting, preservation, or other requirements of this section are secondary to patient care needs and may be delayed or compromised without penalty to the hospital or person required to fulfill the requirements of this section."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5056.

Senators Keiser and Brandland spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5056.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5056 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5056, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5056, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

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

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Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli

Excused: Senators Fairley, Hargrove, Prentice, Regala, Rockefeller and Shin

SUBSTITUTE SENATE BILL NO. 5056, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MESSAGE FROM THE HOUSE

April 6, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5060 with the following amendment: 5060 AMH CL H2781.3

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.12.010 and 1981 c 255 s 1 are each amended to read as follows:

Nothing in this title, other than RCW 66.28.140, applies to wine or beer manufactured in any home for private consumption (~~(therein)~~), and not for sale.

**Sec. 2.** RCW 66.28.140 and 1994 c 201 s 6 are each amended to read as follows:

(1) An adult member of a household may remove family beer or wine from the home (~~(for exhibition or use at organized beer or wine tastings or competitions,)~~) subject to the following conditions:

(a) The quantity removed by a producer (~~(for these purposes)~~) is limited to a quantity not exceeding (~~(one)~~) twenty gallons;

(b) Family beer or wine is not removed for sale (~~(or for the use of any person other than the producer. This subparagraph does not preclude any necessary tasting of the beer or wine when the exhibition or beer or wine tasting includes judging the merits of the wine by judges who have been selected by the organization sponsoring the affair);~~ and

(c) (~~(When the display contest or judging purpose has been served, any remaining portion of the sample is returned to the family premises from which removed)~~) Family beer or wine is removed from the home for private use, including use at organized affairs, exhibitions, or competitions such as homemaker's contests, tastings, or judging.

(2) As used in this section, "family beer or wine" means beer or wine manufactured in the home for private consumption (~~(therein)~~), and not for sale." and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Senate Bill No. 5060.

Senator Jacobsen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Senate Bill No. 5060.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5060 by voice vote.

## MOTION

On motion of Senator Marr, Senator Tom was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5060, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5060, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

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

Excused: Senators Fairley, Hargrove, Prentice, Regala, Rockefeller and Shin

SENATE BILL NO. 5060, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Marr, Senator Brown was excused.

## MESSAGE FROM THE HOUSE

April 6, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5153 with the following amendment: 5153 AMH JUDI TANG 043

On page 4, line 2, after "involved a" strike all material through "relief]" on line 3 and insert "cause of action"

On page 4, line 6, after "involved a" strike all material through "relief]" on line 7 and insert "cause of action" and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Senate Bill No. 5153.

Senator Kline spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Senate Bill No. 5153.

## MOTION

On motion of Senator Marr, Senator Tom was excused.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5153 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5153, as amended by the House.

## ROLL CALL

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The Secretary called the roll on the final passage of Senate Bill No. 5153, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Senators Fairley, Hargrove, Prentice, Rockefeller and Shin

SENATE BILL NO. 5153, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5172 with the following amendment: 5172-S AMH WAYS H3091.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.20 RCW to read as follows:

(1) A University of Washington center for human rights is created. The mission of the center is to expand opportunities for Washington residents to receive a world-class education in human rights, generate research data and expert knowledge to enhance public and private policymaking, and become an academic center for human rights teaching and research in the nation. The center shall align with the founding principles and philosophies of the United States of America and engage faculty, staff, and students in service to enhance the promise of life and liberty as outlined in the Preamble of the United States Constitution. Key substantive issues for the center include: The rights of all persons to security against violence; the rights of immigrants, native Americans, and ethnic or religious minorities; human rights and the environment; health as a human right; human rights and trade; the human rights of working people; and women's rights as human rights. State funds may not be used to support the center for human rights created in this section.

(2) The higher education coordinating board and the University of Washington may solicit, accept, receive, and administer federal funds or private funds, in trust or otherwise, and contract with foundations or with for-profit or nonprofit organizations to support the purposes of this section.

NEW SECTION. Sec. 2. The University of Washington center for human rights shall report to the appropriate committees of the legislature by December 1, 2010, and biennially thereafter regarding the center's activities. The report shall include, but not be limited to, descriptions of the center's activities and accomplishments especially as they relate to: International human rights issues and community service; documentation of measurable accomplishments in improving outcomes in the issue areas outlined in section 1 of this act; and documentation of engagement with agencies and nongovernmental organizations outside of the University of Washington."

Correct the title and the same are herewith transmitted.

MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5172.

Senator Kilmer spoke in favor of the motion.

MOTION

On motion of Senator Hatfield, Senators Brown and Tom were excused.

MOTION

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

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5172.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5172 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5172, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5172, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 18; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Roach, Sheldon and Tom

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

Excused: Senators Fairley, Rockefeller and Shin  
SUBSTITUTE SENATE BILL NO. 5172, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 30, 2009

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5173 with the following amendment:5173 AMH HE H2785.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.35.205 and 1991 c 58 s 2 are each amended to read as follows:

In addition to all other powers and duties given to them by law, Central Washington University, Eastern Washington University, and Western Washington University are hereby authorized to grant any degree through the master's degree to any student who has completed a program of study and/or research in those areas which are determined by the faculty and board of trustees of the college to be appropriate for the granting

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of such degree: PROVIDED, That before any degree is authorized under this section it shall be subject to the review and approval of the higher education coordinating board.

The board of trustees, upon recommendation of the faculty, may also confer honorary bachelor's (~~(or)~~), master's, or doctorate level degrees upon persons (~~(other than graduates of the institution.)~~) in recognition of their learning or devotion to education, literature, art, or science. No degree may be conferred in consideration of the payment of money or the donation of any kind of property."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Senate Bill No. 5173.

Senator Kilmer spoke in favor of the motion.

#### MOTION

On motion of Senator Marr, Senators Brown, Hargrove, Prentice and Tom were excused.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Senate Bill No. 5173.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5173 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5173, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5173, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

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

Absent: Senator Jarrett

Excused: Senators Brown, Fairley, Hargrove, Rockefeller, Shin and Tom

SENATE BILL NO. 5173, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

April 7, 2009

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5177 with the following amendment: 5177-S AMH HE H2786.1

Strike everything after the enacting clause and insert the following:

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"NEW SECTION, Sec. 1. The legislature finds that Asia and its interactions with the rest of the world are transforming the way the world works in the twenty-first century. The legislature further finds that trade, finance, technology, and global influence and institutions are all areas in which China, India, and other Asian states are in the process of reshaping the nature of the international system, and that Washington state is uniquely situated to contribute to enhance interactions between the United States and Asia. The legislature intends to establish a global Asia institute at the University of Washington.

NEW SECTION, Sec. 2. A new section is added to chapter 28B.20 RCW to read as follows:

(1) A global Asia institute is created within the Henry M. Jackson School of International Studies. The mission of the institute is to promote the understanding of Asia and its interactions with Washington state and the world. The institute shall host visiting scholars and policymakers, sponsor programs and learning initiatives, engage in collaborative research projects, and facilitate broader understanding and cooperation between the state of Washington and Asia through general public programs and targeted collaborations with specific communities in the state.

(2) Within existing resources, a global Asia institute advisory board is established. The director of the Henry M. Jackson School of International Studies shall appoint members of the advisory board and determine the advisory board's roles and responsibilities. The board shall include members representing academia, business, and government.

(3) The higher education coordinating board may solicit, accept, receive, and administer federal funds or private funds, in trust or otherwise, and contract with foundations or with for-profit or nonprofit organizations to support the purposes of this section.

NEW SECTION, Sec. 3. The Henry M. Jackson School of International Studies shall report to the appropriate committees of the legislature by December 1, 2010, regarding the achievements of the global Asia institute. The report shall include discussion of the achievements and challenges in accomplishing the institute's mission and recommendations regarding a path and timeline for the institute's expansion."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5177.

Senator Kilmer spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5177.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5177 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5177, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5177, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Becker, Benton, Berkey, Brandland,

NINETY-SEVENTH DAY, APRIL 18, 2009

2009 REGULAR SESSION

Carrell, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Brown, Fairley, Hargrove, Rockefeller, Shin and Tom

SUBSTITUTE SENATE BILL NO. 5177, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:29 p.m., on motion of Senator McDermott, the Senate adjourned until 1:00 p.m. Sunday, April 19, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

