

THIRTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 14, 2007

The Senate was called to order at 10:00 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 Hewitt and Stevens.

The Sergeant at Arms Color Guard consisting of Pages Tyler Grisdale and Thomas Winnie, presented the Colors. Reverend Paul Benz, Director of State of Seattle Lutheran Public Policy Office of Washington 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

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

REPORTS OF STANDING COMMITTEES

February 13, 2007

SB 5077 Prime Sponsor, Honeyford: Exempting propane fuel from the retail sales and use tax on fuel sold to farm fuel users. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Ways & Means.

February 12, 2007

SB 5084 Prime Sponsor, Murray: Updating rail transit safety plan provisions to comply with federal regulation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Sheldon, Spanel and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5093 Prime Sponsor, Marr: Concerning access to health care services for children. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5093 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Rockefeller and Tom

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Carrell, Parlette, Schoesler and Zarelli. Without recommendation. Signed by Senator Roach

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5141 Prime Sponsor, Fraser: Affirming the applicability of land use regulations to divisions of land created by testamentary provisions or the laws of descent. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5141 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker

MINORITY recommendation: Without recommendation. Signed by Senators Benton and Roach

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5143 Prime Sponsor, Fraser: Authorizing additional land used for housing to qualify under the open space program. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Ways & Means.

February 12, 2007

SB 5148 Prime Sponsor, Haugen: Clarifying the definition of development activity in respect to construction by a regional transit authority. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Sheldon, Spanel and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5171 Prime Sponsor, Schoesler: Establishing contribution rates in the Washington state patrol retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Transportation.

February 12, 2007

SB 5208 Prime Sponsor, Swecker: Regarding bond amounts for certain department of transportation highway

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construction contracts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Benton, Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kastama, Kilmer, Pflug, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5216 Prime Sponsor, Jacobsen: Maintaining Washington's working forest land base. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5216 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Poulsen and Spanel

MINORITY recommendation: Without recommendation. Signed by Senator Stevens

Passed to Committee on Ways & Means.

February 12, 2007

SB 5219 Prime Sponsor, Jacobsen: Transferring the Northwest weather and avalanche center to the state parks and recreation commission. Revised for 1st Substitute: Regarding the Northwest weather and avalanche center. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5219 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Poulsen, Spanel and Stevens

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5284 Prime Sponsor, Keiser: Concerning eligibility for long-term care services. Reported by Committee on Ways & Means

MAJORITY recommendation: Without recommendation. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5292 Prime Sponsor, Fairley: Requiring the licensing of physical therapist assistants. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5292 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5304 Prime Sponsor, Eide: Providing an exemption from special fuel taxes for regional transit authorities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Delvin, Eide, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Benton and Holmquist. Without recommendation. Signed by Senator Clements

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5319 Prime Sponsor, Berkey: Regarding the issuance of checks by joint operating agencies and public utility districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5351 Prime Sponsor, Kline: Changing travel reimbursement provisions affecting judges of the court of appeals. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 13, 2007

SB 5421 Prime Sponsor, Fraser: Concerning environmental covenants. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Ways & Means.

February 12, 2007

SB 5441 Prime Sponsor, Hobbs: Improving veterans' access to services. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Roach and Swecker

Passed to Committee on Rules for second reading.

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SB 5454 Prime Sponsor, Morton: Addressing special needs transportation services provided by rural public utility districts. Reported by Committee on Water, Energy & Telecommunications

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MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Ways & Means.

February 12, 2007

SB 5525 Prime Sponsor, Oemig: Adding city officials to the list of public agencies eligible for medical insurance coverage outside of compensation. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Roach and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5573 Prime Sponsor, Hatfield: Modifying the rural county tax credit. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5573 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5607 Prime Sponsor, Pridemore: Modifying provisions regarding the leasehold excise taxation of historical property owned by the United States government. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 13, 2007

SB 5745 Prime Sponsor, Brown: Regarding the use of solid fuel burning devices during impaired air quality conditions. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5745 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 13, 2007

SB 5760 Prime Sponsor, Poulsen: Addressing activities to promote green highways in the energy freedom program. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5760 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 13, 2007

SB 5778 Prime Sponsor, Fraser: Concerning shellfish protection programs. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5798 Prime Sponsor, Swecker: Preserving the use of design-build construction on certain transportation projects. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Benton, Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5916 Prime Sponsor, Regala: Requiring agency reports to the legislature to be submitted electronically. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

February 13, 2007

SB 5925 Prime Sponsor, Sheldon: Adjusting the sales and use tax for public facilities in rural counties. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Without recommendation. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Economic Development, Trade & Management.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5143 which was referred to the Committee on Ways & Means.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 7, 2007
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ARIELE BELO, appointed January 30, 2007, for the term ending July 1, 2011, as Member, Board of Trustees, State School for the Deaf.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

February 13, 2007
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SANFORD KINZER, appointed October 17, 2005, for the term ending September 30, 2011, as Member, Board of Trustees, Central Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments 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 6014 by Senators Swecker, Haugen, Keiser, Hatfield, Zarelli, Benton, Hewitt, Stevens, Shin, Marr, Rasmussen, Oemig and Sheldon

AN ACT Relating to industrial development on reclaimed surface coal mine sites; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations & Elections.

SB 6015 by Senators Jacobsen, Roach, Rockefeller, Rasmussen, Morton, Franklin, Schoesler, Swecker and Honeyford

AN ACT Relating to boating activities; amending RCW 82.49.030 and 82.49.065; adding new sections to chapter 79A.60 RCW; and adding a new section to chapter 43.135 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6016 by Senators Regala and Kohl-Welles

AN ACT Relating to good cause reasons for failure to participate in WorkFirst program components; and amending RCW 74.08A.270.

Referred to Committee on Human Services & Corrections.

SB 6017 by Senators Honeyford, Schoesler and Holmquist

AN ACT Relating to the use of credible data to establish aquatic herbicide application permit conditions for irrigation drains or wasteways; and amending RCW 90.48.570, 90.48.575, 90.48.580, and 90.48.585.

Referred to Committee on Water, Energy & Telecommunications.

SB 6018 by Senator Brandland

AN ACT Relating to detention of persons with a mental disorder or a chemical dependency; amending RCW 70.96B.010 and 70.96B.050; adding a new section to chapter 70.96B RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 6019 by Senator Honeyford

AN ACT Relating to state reimbursement for jail services; and amending RCW 70.48.130.

Referred to Committee on Judiciary.

SB 6020 by Senators Fairley, Oemig and Kline

AN ACT Relating to radio frequency identification notification; and adding a new chapter to Title 19 RCW.

Referred to Committee on Consumer Protection & Housing.

SB 6021 by Senators Fairley and Shin

AN ACT Relating to the consolidation and elimination of certain boards and commissions; amending RCW 70.168.020, 18.73.030, 18.73.050, 70.168.060, 18.135.030, 43.41.220, and 43.41.230; reenacting and amending RCW 18.71.205; repealing RCW 77.12.690, 28B.04.085, 28B.115.050, 28A.600.130, 28B.12.040, 70.96A.070, and 18.73.040; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SB 6022 by Senator Murray

AN ACT Relating to requiring and funding driver training for all new first-time drivers; amending RCW 46.20.100; reenacting and amending RCW 46.63.110; and adding new sections to chapter 74.08A RCW.

Referred to Committee on Transportation.

SB 6023 by Senators McAuliffe and Rasmussen

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AN ACT Relating to alternative assessments; amending RCW 28A.655.061 and 28A.655.100; adding new sections to chapter 28A.655 RCW; providing expiration dates; and declaring an emergency.

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

SB 6024 by Senators Franklin, Kauffman, Regala, Shin, Berkey, Marr, Pridemore, Fraser, Rockefeller, Rasmussen, Kohl-Welles, Kastama, Keiser and Kline

AN ACT Relating to assisting low-income persons to obtain affordable automobile liability insurance; amending RCW 46.29.090, 46.29.100, 46.29.390, and 46.29.490; and adding a new section to chapter 48.22 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 6025 by Senator Jacobsen

AN ACT Relating to forest health; amending RCW 76.06.140, 76.06.020, 76.06.030, 76.06.040, 76.09.060, 76.04.005, and 76.04.660; adding new sections to chapter 76.06 RCW; and repealing RCW 76.06.050, 76.06.060, 76.06.070, 76.06.080, 76.06.090, and 76.06.110.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6026 by Senator Benton

AN ACT Relating to excluding medical expenses for property tax exemption purposes from the income eligibility requirements for persons sixty-one years of age or older, armed forces veterans with service-connected disabilities, and persons retired because of disability; amending RCW 84.36.383; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 6027 by Senator Benton

AN ACT Relating to reducing the taxation of physical fitness services; reenacting and amending RCW 82.04.050; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6028 by Senator Morton

AN ACT Relating to forest health; amending RCW 76.06.140, 76.06.020, 76.06.030, 76.06.040, 76.09.220, 76.09.060, 76.04.005, and 76.04.660; adding new sections to chapter 76.06 RCW; adding a new section to chapter 76.09 RCW; and repealing RCW 76.06.050, 76.06.060, 76.06.070, 76.06.080, 76.06.090, and 76.06.110.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6029 by Senators Hobbs, Benton, Berkey and Hatfield

AN ACT Relating to interstate branching; and amending RCW 30.38.005, 30.38.010, 30.38.015, 32.04.020, and 32.04.030.

Referred to Committee on Financial Institutions & Insurance.

SB 6030 by Senators Parlette and Schoesler

AN ACT Relating to health insurance options for young adults; amending RCW 48.43.041, 48.44.022, 48.46.064, and 48.20.029; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6031 by Senators Kastama, Regala and Franklin

AN ACT Relating to funding certain regional transportation investment district projects; amending RCW 36.120.130, 82.14.430, and 81.100.060; adding a new section to chapter 36.120 RCW; and repealing 2006 c 318 s 2.

Referred to Committee on Transportation.

SB 6032 by Senators Kohl-Welles, McCaslin, Kline, Regala and Keiser

AN ACT Relating to medical use of marijuana; amending RCW 69.51A.005, 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.050, 69.51A.060, and 69.51A.070; adding a new section to chapter 69.51A RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6033 by Senators Kohl-Welles and Clements

AN ACT Relating to beer and wine warehousing and distribution by a primary grocery distributor at the direction of an independent grocery store customer; adding a new section to chapter 66.28 RCW; creating new sections; and providing a contingent effective date.

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

SB 6034 by Senators Swecker and Delvin

AN ACT Relating to complementary and alternative health care practitioners; amending RCW 18.71.030; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 6035 by Senators Poulsen and Rockefeller

AN ACT Relating to beach management districts; amending RCW 36.61.010, 36.61.020, 36.61.025, 36.61.030, 36.61.040, 36.61.050, 36.61.060, 36.61.070, 36.61.080, 36.61.090, 36.61.100, 36.61.110, 36.61.115, 36.61.120, 36.61.140, 36.61.160, 36.61.170, 36.61.190, 36.61.200, 36.61.220, 36.61.230, 36.61.260, 36.61.270, 36.94.020, 39.34.190, and 86.09.151; creating a new section; making appropriations; and providing an expiration date.

Referred to Committee on Water, Energy & Telecommunications.

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SB 6036 by Senators Fraser, Franklin, Weinstein, Kohl-Welles and Hargrove

AN ACT Relating to construction liens; amending RCW 60.04.031, 60.04.091, and 18.27.010; and adding new sections to chapter 60.04 RCW.

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

SB 6037 by Senators Hargrove, Pridemore and Rasmussen

AN ACT Relating to eliminating the certificate of academic achievement as a requirement for high school graduation; amending RCW 28A.655.061, 28A.155.045, and 28A.230.090; and creating a new section.

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

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6035 which was referred to the Committee on Water, Energy & Telecommunications.

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
8622

By Senators Kohl-Welles, Honeyford, Jacobsen, Parlette, McAuliffe, Fraser, Berkey, Poulsen, Tom, Haugen and Franklin

WHEREAS, The Arts are essential to the human experience, providing a means to express our communal joys and sorrows; and

WHEREAS, The Arts contribute to vital and vibrant communities across the state and enhance the quality of life for all Washington's citizens; and

WHEREAS, The Arts have tremendous educational value, community value, and economic value; and

WHEREAS, Arts education improves student achievement as part of a complete education and contributes to increased attendance, student leadership, and self-esteem; and

WHEREAS, Public art projects enhance public spaces, encouraging community dialogue and participation in the arts; and

WHEREAS, Arts organizations and artists create cultural opportunities and improve community vitality, contributing to the economic vitality of businesses and individuals through the revitalization of communities and downtowns;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the value of the Arts and join Christine O. Gregoire, Governor of the state of Washington, in observing February 15, 2007, as Arts Day in the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Kris Tucker, Executive Director of the Washington State Arts Commission, and Gretchen Johnston, Executive Director of the Washington State Arts Alliance.

Senator Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8622.

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

MOTION

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

On motion of Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment No. 9023, Judy Guenther and Gubernatorial Appointment No. 9041, George Mohoric and the vote of the Senate was recorded as a separate vote for each appointment.

MOTION

On motion of Senator Brandland, Senators Benton, Carrell, Hewitt, Holmquist, Morton, Stevens and Zarelli were excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Swecker moved that Gubernatorial Appointment No. 9023, Judy Guenther, and Gubernatorial Appointment 9041, George Mohoric as members of the Board of Trustees, Centralia Community College District No. 12, be confirmed.

Senator Swecker spoke in favor of the motion.

APPOINTMENT OF JUDY GUENTHER

The President declared the question before the Senate to be the confirmations of Gubernatorial Appointment No. 9023, Judy Guenther and Gubernatorial Appointment No. 9041, George Mohoric as members of the Board of Trustees, Centralia Community College District No. 12.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9023, Judy Guenther as a member of the Board of Trustees, Centralia Community College District No. 12 and the appointment was confirmed 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, Hobbs, Holmquist, Honeyford, Jacobsen, 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 - 47

Excused: Senators Hewitt and Stevens - 2

APPOINTMENT OF GEORGE MOHORIC

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9041, George Mohoric as a member of the Board of Trustees, Centralia Community College District No. 12 and the appointment was confirmed 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, Hobbs, Holmquist, Honeyford,

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

Excused: Senators Hewitt and Stevens - 2

Excused: Senators Hewitt and Stevens - 2

Gubernatorial Appointment No. 9023, Judy Guenther and Gubernatorial Appointment No. 9041, George Mohoric, having received the constitutional majority were declared confirmed as members of the Board of Trustees, Centralia Community College District No. 12.

Gubernatorial Appointment No. 9067, James Shipman and Gubernatorial Appointment No. 9075, Carlos Veliz having received the constitutional majority were declared confirmed as members of the Board of Trustees, Everett Community College District No. 5.

MOTION

At 10:25 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

Senator Eide: "Well, I noticed that we have cookies on our desks today and I know that your lovely wife Linda bakes and bakes so we can have these every Valentines Day. I wanted to take this opportunity. Did you help her this year?"

The Senate was called to order at 11:13 a.m. by President Owen.

REPLY BY THE PRESIDENT

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

President Owen: "Are you kidding! I was the official taster."

MOTION

PERSONAL PRIVILEGE

Senator Prentice moved that Gubernatorial Appointment No. 9067, James Shipman, and Gubernatorial Appointment No. 9075, Carlos Veliz as members of the Board of Trustees, Everett Community College District No. 5, be confirmed.

Senator Eide: "Well, you did an excellent job tasting then. Would you please tell her thank you once again from us. We love her and we love getting our Valentines Day cookies from her."

Senators Prentice and Berkey spoke in favor of the motion.

REPLY BY THE PRESIDENT

APPOINTMENT OF JAMES SHIPMAN

President Owen: "Will do, thank you."

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9067, James Shipman and Gubernatorial Appointment No. 9075, Carlos Veliz as members of the Board of Trustees, Everett Community College District No. 5.

PERSONAL PRIVILEGE

Senator Swecker: "Well, thank you Mr. President. I just wanted you to know that I truly appreciate these cookies this year and appreciate your lovely wife provided them. I've lost fifteen pounds since Christmas and so these are going to my grand kids."

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9067, James Shipman as a member of the Board of Trustees, Everett Community College District No. 5 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

PERSONAL PRIVILEGE

Senator Brandland: "I would volunteer to eat those cookies if he does not want them. All kidding aside we do appreciate the cookies. I know this is kind of an annual thing. I know your wife puts a tremendous amount work into providing these treats for us and I think we all appreciate it very much. Thank you."

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, 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 - 47

Excused: Senators Hewitt and Stevens - 2

REPLY BY THE PRESIDENT

President Owen: "I will let her know. Thank you."

APPOINTMENT OF CARLOS VELIZ

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9075, Carlos Veliz as a member of the Board of Trustees, Everett Community College District No. 5 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9007, Pamela Bradburn; Gubernatorial Appointment No. 9042, Douglas Mooney; and Gubernatorial Appointment No. 9061, Marilyn Sayan as members of the Public Employment Relations Commission, be confirmed.

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

Senator Rockefeller spoke in favor of the motion.

THIRTY-EIGHTH DAY, FEBRUARY 14, 2007

The President declared the question before the Senate to be the confirmation of gubernatorial appointment No. 9007, Pamela Bradburn, gubernatorial appointment No. 9042, Douglas Mooney and gubernatorial appointment No. 9061, Marilyn Sayan as members of the Public Employment Relations Commission.

APPOINTMENT OF PAMELA BRADBURN

The Secretary called the roll on the confirmation of gubernatorial appointment No. 9007, Pamela Bradburn as a member of the Public Employment Relations Commission and the appointment was confirmed 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, Hobbs, Holmquist, Honeyford, Jacobsen, 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 - 47

Excused: Senators Hewitt and Stevens - 2

APPOINTMENT OF DOUGLAS MOONEY

The Secretary called the roll on the confirmation of gubernatorial appointment No. 9042, Douglas Mooney as a member of the Public Employment Relations Commission and the appointment was confirmed 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, Hobbs, Holmquist, Honeyford, Jacobsen, 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 - 47

Excused: Senators Hewitt and Stevens - 2

APPOINTMENT OF MARILYN SAYAN

The Secretary called the roll on the confirmation of gubernatorial appointment No. 9061, Marilyn Sayan as a member of the Public Employment Relations Commission and the appointment was confirmed 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, Hobbs, Holmquist, Honeyford, Jacobsen, 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 - 47

Excused: Senators Hewitt and Stevens - 2

Gubernatorial appointment No. 9007, Pamela Bradburn; gubernatorial appointment No. 9061, Marilyn Sayan; and gubernatorial appointment No. 9042, Douglas Mooney having received the constitutional majority were declared confirmed as members of the Public Employment Relations Commission.

SECOND READING

2007 REGULAR SESSION

SENATE BILL NO. 5093, by Senators Marr, Keiser, Franklin, Shin, Fairley, Hobbs, Weinstein, Kauffman, Pridemore, Oemig, Eide, Brown, Tom, Kohl-Welles, Regala, McAuliffe, Spanel, Rockefeller and Rasmussen

Concerning access to health care services for children.

MOTION

On motion of Senator Keiser, Second Substitute Senate Bill No. 5093 was substituted for Senate Bill No. 5093 and the second substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 3, line 16, after "shall", insert "design and administer a program to"

On page 3, line 21, after "services", strike all material through "level" on line 24.

Senator Zarelli spoke in favor of adoption of the amendment.

Senator Marr spoke against adoption of the amendment.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 3, line 6 to Second Substitute Senate Bill No. 5093.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli and the amendment was not adopted by the following vote: Yeas, 14; Nays, 32; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Swecker and Zarelli - 14

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 32

Absent: Senator Delvin - 1

Excused: Senators Hewitt and Stevens - 2

MOTION

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

On page 3, line 23, following "children", insert "with developmental disabilities or chronic illness"

Senators Pflug and Parlette spoke in favor of adoption of the amendment.

Senators Brown and Keiser spoke against adoption of the amendment.

Senator Pflug again spoke in favor of adoption of the amendment.

Senator Brown again spoke against adoption of the amendment.

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The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 3, line 23 to Second Substitute Senate Bill No. 5093.

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

MOTION

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

On page 3, after "level." on line 24, insert "However, the department shall not provide coverage to children whose family income exceeds two hundred fifty percent of the federal poverty level until the department has enrolled eighty-five percent of the uninsured children whose family income is below two hundred percent of the federal poverty level."

Senators Pflug and Zarelli spoke in favor of adoption of the amendment.

Senators Keiser, Brown and Shin spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 3, line 24 to Second Substitute Senate Bill No. 5093.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Pflug and the amendment was not adopted by the following vote: Yeas, 15; Nays, 32; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Swecker and Zarelli - 15

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 32

Excused: Senators Hewitt and Stevens - 2

MOTION

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

On page 3, line 31, after "future.", insert "The provision of health care coverage under this subsection to children whose family income is greater than two hundred percent and not greater than two hundred fifty percent of the federal poverty shall not be an entitlement and shall be provided only to the extent that funds are specifically appropriated therefor (a) to the extent that federal matching funds under the state children's health insurance program are not provided to families with income less than two hundred fifty percent of the federal poverty level, or (b) if the matching rate of federal funds under the state children's health insurance program is reduced to fifty percent or lower."

Senator Zarelli spoke in favor of adoption of the amendment.

Senators Keiser and Brown spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 3, line 31 to Second Substitute Senate Bill No. 5093.

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

MOTION

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

On page 3, after "section." on line 33, insert the following:

"(2) the department shall establish a waiting period applicants above two hundred percent of the federal poverty level are required to have without private insurance before enrolling in the program under this section. The waiting period shall be at least four months and waived only when:

(a) The prospective child enrollee has a medical condition that, without treatment, would be life-threatening or cause serious disability; or

(b) The loss of employer sponsored dependent coverage is due to either loss of employment, the death of the employee, or the employer discontinues the option of dependent coverage."

Senator Zarelli spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 3, line 33 to Second Substitute Senate Bill No. 5093.

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

MOTION

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

On page 7, beginning on line 8, strike all material through line 21.

Renumber the sections consecutively and correct any internal references accordingly.

Senator Zarelli spoke in favor of adoption of the amendment.

Senator Marr spoke against adoption of the amendment.

POINT OF INQUIRY

Senator Pflug: "Would the good gentleman from the Sixth yield to a question?"

REMARKS BY THE PRESIDENT

President Owen: "Senator Marr, do you yield. He does not."

Senator Pflug spoke in favor of adoption of the amendment. Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 7, line 8 to Second Substitute Senate Bill No. 5093.

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

MOTION

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2007 REGULAR SESSION

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

On page 10, after line 11, insert the following:

"NEW SECTION. Sec. 8. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax there may be deducted from the measure of tax the amount paid by small employers to provide health care services for employees if the health care services include the ability for an employee to choose coverage for the employee's dependents. Payments made by employees are not eligible for deduction under this subsection.

(2) For the purposes of this section, the following definitions apply:

(a) "Dependent" has the meaning provided in RCW 48.43.005;

(b) "Health care services" means a health benefit plan as defined in RCW 48.43.005, contributions to health savings accounts as defined by the United States internal revenue service, or other health care services purchased by the small employer for its employees.

(c) "Small employer" has the meaning provided in RCW 48.43.005.

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 4 of the title, after "RCW;" insert "adding a new section to chapter 82.04 RCW;"

Senator Parlette spoke in favor of adoption of the amendment.

Senator Brown spoke against adoption of the amendment.

Senator Schoesler spoke on adoption of the amendment.

Senator Schoesler demanded a roll call.

Senator Brown spoke on adoption of the amendment.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

POINT OF INQUIRY

Senator Pflug: "Will the lady from the Third yield to a question? Is that a commitment? That we will in fact move legislation forward from this body that will provide that kind of B&O tax exemptions?"

Senator Brown: "I don't think I can make a commitment on behalf of the whole Senate but I will say I'm personally interested in working with you and the good Senator Parlette on the concept of creating a financial incentive for small business to enroll more of their employees in health care coverage. I believe we will have some kind of small business incentive pass the Senate floor this session."

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 10, after line 11 to Second Substitute Senate Bill No. 5093.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Parlette and the amendment was not adopted by the following vote: Yeas, 16; Nays, 31; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Holmquist, Honeyford, McCaslin, Morton, Parlette,

Pflug, Roach, Schoesler, Sheldon, Swecker and Zarelli - 16

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

Excused: Senators Hewitt and Stevens - 2

MOTION

On motion of Senator Keiser, the rules were suspended, Second Substitute Senate Bill No. 5093 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr, Franklin, Keiser and Brown spoke in favor of passage of the bill.

Senators Schoesler, Pflug, Zarelli and Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5093.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5093 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 38

Voting nay: Senators Delvin, Holmquist, Honeyford, Morton, Parlette, Pflug, Schoesler, Swecker and Zarelli - 9

Excused: Senators Hewitt and Stevens - 2

SECOND SUBSTITUTE SENATE BILL NO. 5093, 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 12:49 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 a.m. Thursday, February 15, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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