

TWENTY-FIFTH DAY, FEBRUARY 5, 2009

2009 REGULAR SESSION

## TWENTY-FIFTH DAY

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 NOON SESSION
 

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Senate Chamber, Olympia, Thursday, February 5, 2009

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

## MOTION

On motion of Senator McDermott, 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 4, 2009

SB 5055 Prime Sponsor, Senator Brown: Protecting the interests of customers of public service companies in proceedings before the Washington utilities and transportation commission. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5055 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Delvin; Fraser; Hatfield; Holmquist; Marr and Ranker.

Passed to Committee on Rules for second reading.

February 4, 2009

SB 5069 Prime Sponsor, Senator Jacobsen: Regarding recreational liability on public and private lands. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5069 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 3, 2009

SB 5319 Prime Sponsor, Senator Kohl-Welles: Providing economic stimulus through the unemployment insurance program. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5319 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist; Honeyford and King.

Passed to Committee on Ways & Means.

February 3, 2009

SB 5350 Prime Sponsor, Senator Haugen: Changing special permit provisions for poultry slaughter, preparation, and care. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5350 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 4, 2009

SB 5422 Prime Sponsor, Senator Parlette: Limiting liability for making certain land and water areas available for recreational use under a hydroelectric license. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5422 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2009

SB 5430 Prime Sponsor, Senator Fraser: Concerning water discharge fees. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5430 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Fraser; Hatfield; Marr and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford; Delvin; Holmquist and Morton.

Passed to Committee on Ways & Means.

February 3, 2009

SB 5437 Prime Sponsor, Senator Schoesler: Regarding the operation and authority of the state conservation commission. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5437 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Morton and Shin.

Passed to Committee on Rules for second reading.

February 4, 2009

SB 5473 Prime Sponsor, Senator Kastama: Expediting completion of projects of statewide significance. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5473 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide and Kilmer.

Passed to Committee on Rules for second reading.

February 3, 2009

SB 5478 Prime Sponsor, Senator Hargrove: Changing the definition of a juvenile. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5478 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Carrell; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 3, 2009

SB 5678 Prime Sponsor, Senator Hatfield: Regarding the use of milk products for animal food consumption. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5678 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Morton and Shin.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of McDermott, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5430 which was referred to the Committee on Ways & Means.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 5866 by Senators Kohl-Welles, Franklin, Kline and Keiser

AN ACT Relating to protecting consumers in the event of a product recall or safety warning; and adding a new chapter to Title 19 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5867 by Senators Fraser, Swecker, Pridemore, Ranker, Fairley, Kauffman, Marr, Regala, Morton and Kline

AN ACT Relating to verifying water supply to new subdivisions; amending RCW 58.17.070 and 58.17.110; and creating a new section.

Referred to Committee on Environment, Water & Energy.

SB 5868 by Senators Pridemore, Fairley and Shin

AN ACT Relating to consolidating and modifying the duties of the cemetery board and the board of funeral directors and embalmers; amending RCW 18.39.010, 18.39.173, 18.39.175, 18.39.217, 18.39.800, 18.235.020, 68.04.190, 68.05.020, 68.05.095, 68.05.100, 68.05.105, 68.05.175, 68.05.205, 68.05.285, 68.24.090, 68.40.040, 68.44.115, 68.44.150, 68.46.010, 68.46.090, 68.46.130, 68.50.230, 68.60.030, 68.60.050, and 68.60.060; and repealing RCW 68.05.040, 68.05.050, 68.05.060, and 68.05.080.

Referred to Committee on Government Operations & Elections.

SB 5869 by Senators Prentice and Shin

AN ACT Relating to clarifying public employees' benefits board eligibility; amending RCW 41.05.008, 41.05.011, 41.05.050, and 41.05.055; reenacting and amending RCW 41.05.021 and 41.05.065; adding a new section to chapter 41.05 RCW; repealing RCW 41.05.053; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5870 by Senators Hargrove and McCaslin

AN ACT Relating to the duty of a sheriff with regard to a dog running at large; and amending RCW 16.08.030.

Referred to Committee on Judiciary.

SB 5871 by Senators Swecker, Shin, Jacobsen, Hatfield, Haugen, Carrell, Roach, Stevens and McCaslin

AN ACT Relating to sales and use tax exemptions for prescribed power wheelchairs; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5872 by Senators Sheldon and Swecker

AN ACT Relating to limiting the period of time in which level of service standards for local transportation facilities may be used to prohibit development under local comprehensive plans; and amending RCW 36.70A.070.

Referred to Committee on Government Operations & Elections.

SB 5873 by Senators Kline, Keiser, Hobbs, Marr, Fairley, McAuliffe, Kohl-Welles and Shin

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AN ACT Relating to apprentice utilization; amending RCW 39.04.320, 39.04.350, and 39.12.055; and adding a new section to chapter 49.04 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5874 by Senators Marr and Schoesler

AN ACT Relating to authority of the board of directors of a public facilities district; and amending RCW 36.100.160 and 35.57.060.

Referred to Committee on Government Operations & Elections.

SB 5875 by Senators Murray, Hewitt, Jacobsen and Kohl-Welles

AN ACT Relating to the convention place station expansion of the state convention and trade center; amending RCW 67.40.130, 67.40.170, 67.40.190, 67.40.045, and 67.40.090; adding new sections to chapter 67.40 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5876 by Senator Kohl-Welles

AN ACT Relating to the incentive in the motion picture competitiveness programs; and amending RCW 43.365.020.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5877 by Senators Prentice and Kohl-Welles

AN ACT Relating to the sale of liquor-related products in state liquor stores; and amending RCW 66.08.026, 66.08.165, and 66.16.010.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5878 by Senators Sheldon, Marr and Shin

AN ACT Relating to criminal history record checks of current and prospective department of licensing employees who issue or may issue enhanced drivers' licenses and identicards; and amending RCW 46.01.130.

Referred to Committee on Transportation.

SB 5879 by Senators Kastama, Shin and Delvin

AN ACT Relating to entrepreneurial education and training; and amending RCW 43.162.020.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5880 by Senators McAuliffe, Oemig, Hobbs and McDermott

AN ACT Relating to flexibility in the education system; amending RCW 28A.300.130, 28A.300.137, 28A.300.160, 28A.300.270, 28A.300.290, 28A.300.300, 28A.300.450, 28A.300.490, 28A.300.520, 28A.320.080, 28A.345.020, 28A.345.050, 28A.415.010, 28A.415.100, 28A.415.125,

28A.415.130, 28A.415.135, 28A.415.140, 28A.415.145, 28A.625.020, 28A.625.042, 28A.625.050, 28A.625.360, 28A.625.370, 28A.625.380, 28A.625.390, 28A.640.020, 28A.150.520, 28A.160.210, 28A.170.050, 28A.210.310, 28A.210.330, 28A.210.350, 28A.210.370, 28A.210.380, and 39.35D.040; repealing RCW 28A.300.090, 28A.300.801, 28A.210.255, 28A.210.360, and 28A.210.365; and providing an expiration date.

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

SB 5881 by Senators McAuliffe, Hargrove, Regala, Jarrett and King

AN ACT Relating to truancy; and amending RCW 28A.225.020, 28A.225.025, 28A.225.035, and 28A.225.090.

Referred to Committee on Human Services & Corrections.

SB 5882 by Senators Kauffman, McAuliffe, Regala, Shin and Kline

AN ACT Relating to an evaluation of two recommendations made by the racial disproportionality advisory committee; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 5883 by Senator Kline

AN ACT Relating to the linked deposit program; creating new sections; and providing an expiration date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5884 by Senators Kline and Franklin

AN ACT Relating to allowing loans to community development financial institutions under the linked deposit program; and amending RCW 43.86A.060.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5885 by Senators Kline, Franklin and Keiser

AN ACT Relating to the general administrative powers of the department of revenue; and amending RCW 82.32.330.

Referred to Committee on Ways & Means.

SB 5886 by Senator Kline

AN ACT Relating to legal proceedings involving public hazards; amending RCW 4.24.611 and 4.24.601; and creating a new section.

Referred to Committee on Judiciary.

SB 5887 by Senators Parlette and Tom

AN ACT Relating to implementing a proposed constitutional amendment to change school levy election timing provisions; amending RCW 84.52.053; and providing a contingent effective date.

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

SB 5888 by Senators Rockefeller, Fraser and Regala

AN ACT Relating to managing permit exempt groundwater withdrawals; and amending RCW 90.44.050 and 90.44.105.

Referred to Committee on Environment, Water & Energy.

SB 5889 by Senators Hobbs, McAuliffe, McDermott and Oemig

AN ACT Relating to flexibility in the education system; amending RCW 28A.165.025, 28A.165.045, 28A.175.010, 28A.180.040, 28A.210.010, 28A.210.020, 28A.210.030, 28A.210.040, 28A.210.080, 28A.210.110, 28A.225.005, 28A.225.290, 28A.225.300, 28A.230.095, 28A.230.097, 28A.230.205, 28A.300.040, 28A.300.118, 28A.300.150, 28A.300.525, 28A.320.160, 28A.320.165, 28A.320.180, 28A.600.160, 28A.655.061, 28A.655.075, and 17.21.415; reenacting and amending RCW 28A.230.125; repealing RCW 28A.210.130, 28A.220.050, 28A.220.080, 28A.220.085, 28A.230.092, 28A.230.185, 28A.300.412, and 28A.600.320; and providing an expiration date.

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

SB 5890 by Senators McDermott, McAuliffe, Oemig and Hobbs

AN ACT Relating to flexibility in the education system; amending RCW 28A.155.065, 28A.155.070, 28A.155.070, 28A.185.030, 28A.215.010, 28A.220.020, 28A.220.030, 28A.225.225, 28A.225.270, 28A.230.070, 28A.230.080, 28A.230.130, 28A.230.130, 28A.230.158, 28A.230.160, 28A.230.205, 28A.300.115, 28A.300.160, 28A.300.405, 28A.300.410, 28A.300.455, 28A.320.125, and 28A.320.128; repealing RCW 28A.230.040, 28A.230.050, 28A.230.150, 28A.300.185, 28A.300.280, and 28A.320.185; providing an effective date; providing expiration dates; and declaring an emergency.

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

SB 5891 by Senator Keiser

AN ACT Relating to establishing a forum for testing primary care medical home reimbursement pilot projects; adding a new section to chapter 70.54 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 5892 by Senators Keiser and Shin

AN ACT Relating to authorizing state purchased health care programs to maximize appropriate prescription drug use in a cost-effective manner; amending RCW 69.41.190.

Referred to Committee on Health & Long-Term Care.

SB 5893 by Senators Berkey, Benton, Hobbs, Schoesler and Shin

AN ACT Relating to actions by insurance companies against violators; and amending RCW 48.135.070.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5894 by Senators Haugen and Parlette

AN ACT Relating to authorizing the utilities and transportation commission to forbear from rate and service regulation of certain transportation services; amending RCW 81.68.015, 81.84.010, 81.66.010, and 81.70.220; and reenacting and amending RCW 46.74.010.

Referred to Committee on Transportation.

SB 5895 by Senators Tom, Kohl-Welles, Fraser and McDermott

AN ACT Relating to improving residential real property construction by creating a home construction consumer education office, strengthening warranty protections applicable to residential real property construction, creating remedies, creating municipal liability, requiring third-party inspections, enhancing contractor registration requirements, establishing worker certification standards, and enhancing bonding requirements; amending RCW 19.27.020, 19.27.050, 4.16.310, 64.50.010, 18.27.030, and 18.27.040; adding a new section to chapter 43.10 RCW; adding new sections to chapter 64.50 RCW; adding a new section to chapter 18.27 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5896 by Senators Pflug, Kastama, Zarelli, Delvin and Shin

AN ACT Relating to establishing the Washington innovation grant authority; adding a new section to chapter 82.04 RCW; and adding a new chapter to Title 43 RCW.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5897 by Senators Pflug, Kastama, Zarelli and Delvin

AN ACT Relating to the technology discovery fund; amending RCW 42.30.110 and 42.56.270; reenacting and amending RCW 42.17.2401 and 43.79A.040; adding a new section to chapter 82.04 RCW; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; and providing an effective date.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5898 by Senators Pflug, Keiser and Zarelli

AN ACT Relating to reforming publicly funded health care through the creation of the apple health community care council; reenacting and amending RCW 41.05.065; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5899 by Senators Kilmer, Franklin, Kastama, Shin, Marr, McAuliffe, Haugen, Brown, Berkey, Prentice, Fairley,

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Regala, Keiser, Eide, Rockefeller, Murray, Hatfield, Hargrove, Sheldon, Oemig and Kline

Providing a constitutional amendment to limit growth of assessed valuation of real property.

AN ACT Relating to providing a business and occupation tax credit for qualified employment positions; adding a new section to chapter 82.04 RCW; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

Referred to Committee on Ways & Means.

MOTION

SB 5900 by Senators Kastama and Shin

On motion of Senator McDermott, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5899 which was referred to the Committee on Ways & Means and Senate Bill No. 5900 which was referred to the Committee on Early Learning & K-12 Education.

AN ACT Relating to youth innovation education; amending RCW 28A.300.230 and 28A.300.235; adding a new section to chapter 28C.18 RCW; adding a new section to chapter 28A.300 RCW; and making an appropriation.

MOTION

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

At 12:02 p.m., on motion of Senator McDermott, the Senate adjourned until 10:00 a.m. Friday, February 6, 2009.

SB 5901 by Senator Kastama

BRAD OWEN, President of the Senate

AN ACT Relating to modifying provisions of the local infrastructure financing tool program; amending RCW 39.102.020, 39.102.050, 39.102.150, 39.102.195, and 82.14.475; and providing an expiration date.

THOMAS HOEMANN, Secretary of the Senate

Referred to Committee on Economic Development, Trade & Innovation.

SJM 8008 by Senators Regala, Delvin, Rockefeller and Kline

Requesting full federal funding for the cleanup of the Hanford Reservation.

Referred to Committee on Environment, Water & Energy.

SJM 8009 by Senators Kohl-Welles, Swecker, Holmquist, King, Keiser, Stevens, Franklin, Kline, Hargrove, Fraser, Prentice and Tom

Requesting the department of homeland security and congress to examine the federal T visa program.

Referred to Committee on Labor, Commerce & Consumer Protection.

SJM 8010 by Senators Tom, Jarrett and Kline

Petitioning the federal government to eliminate federal financial benefits from accruing to colleges and universities that use legacy preferences in admissions.

Referred to Committee on Higher Education & Workforce Development.

SJM 8011 by Senators Shin, Kastama, McAuliffe, Holmquist, Marr, Hatfield, Berkey, Franklin, Hobbs, Delvin and Jacobsen

Requesting the United States trade representative to create a federal-state international trade policy commission.

Referred to Committee on Economic Development, Trade & Innovation.

SJR 8211 by Senators Benton and McCaslin

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5055	Committee Report. . . . .	1	5890	Introduction & 1st Reading. . . . .	4
5069	Committee Report. . . . .	1	5891	Introduction & 1st Reading. . . . .	4
5319	Committee Report. . . . .	1	5892	Introduction & 1st Reading. . . . .	4
5350	Committee Report. . . . .	1	5893	Introduction & 1st Reading. . . . .	4
5422	Committee Report. . . . .	1	5894	Introduction & 1st Reading. . . . .	4
5430	Committee Report. . . . .	1	5895	Introduction & 1st Reading. . . . .	4
	Other Action. . . . .	2	5896	Introduction & 1st Reading. . . . .	4
5437	Committee Report. . . . .	1	5897	Introduction & 1st Reading. . . . .	4
5473	Committee Report. . . . .	2	5898	Introduction & 1st Reading. . . . .	4
5478	Committee Report. . . . .	2	5899	Introduction & 1st Reading. . . . .	4
5678	Committee Report. . . . .	2		Other Action. . . . .	5
5866	Introduction & 1st Reading. . . . .	2	5900	Introduction & 1st Reading. . . . .	5
5867	Introduction & 1st Reading. . . . .	2	5901	Introduction & 1st Reading. . . . .	5
5868	Introduction & 1st Reading. . . . .	2	8008	Introduction & 1st Reading. . . . .	5
5869	Introduction & 1st Reading. . . . .	2	8009	Introduction & 1st Reading. . . . .	5
5870	Introduction & 1st Reading. . . . .	2	8010	Introduction & 1st Reading. . . . .	5
5871	Introduction & 1st Reading. . . . .	2	8011	Introduction & 1st Reading. . . . .	5
5872	Introduction & 1st Reading. . . . .	2	8211	Introduction & 1st Reading. . . . .	5
5873	Introduction & 1st Reading. . . . .	2			
5874	Introduction & 1st Reading. . . . .	3			
5875	Introduction & 1st Reading. . . . .	3			
5876	Introduction & 1st Reading. . . . .	3			
5877	Introduction & 1st Reading. . . . .	3			
5878	Introduction & 1st Reading. . . . .	3			
5879	Introduction & 1st Reading. . . . .	3			
5880	Introduction & 1st Reading. . . . .	3			
5881	Introduction & 1st Reading. . . . .	3			
5882	Introduction & 1st Reading. . . . .	3			
5883	Introduction & 1st Reading. . . . .	3			
5884	Introduction & 1st Reading. . . . .	3			
5885	Introduction & 1st Reading. . . . .	3			
5886	Introduction & 1st Reading. . . . .	3			
5887	Introduction & 1st Reading. . . . .	3			
5888	Introduction & 1st Reading. . . . .	4			
5889	Introduction & 1st Reading. . . . .	4			