

THIRTY-EIGHTH DAY, FEBRUARY 18, 2009

2009 REGULAR SESSION

THIRTY-EIGHTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, February 18, 2009

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 Senator Benton.

The Sergeant at Arms Color Guard consisting of Pages Thu Bui and Derek Hanson, presented the Colors. Pastor Orv Jacobson of the First Lutheran Community Church 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, 2009

SB 5262 Prime Sponsor, Senator Kline: Allowing law enforcement access to driver's license photographs for the purposes of identity verification. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5262 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Hargrove and Tom.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5375 Prime Sponsor, Senator Fairley: Adding questions about wood burning appliances to the seller's disclosure statement for residential real property transfers. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5375 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5417 Prime Sponsor, Senator Berkey: Requiring the disclosure of information on flood insurance coverage. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5417 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5451 Prime Sponsor, Senator Oemig: Changing the date for setting the amount of pipeline safety fees. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5451 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 16, 2009

SB 5513 Prime Sponsor, Senator Jarrett: Concerning law enforcement authority that relates to civil infractions and unlawful transit conduct. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5513 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5518 Prime Sponsor, Senator Pridemore: Reducing the amount of petroleum pollution in storm water. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That it be referred without recommendation. 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 17, 2009

SB 5544 Prime Sponsor, Senator McDermott: Concerning affordable housing incentive programs. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5544 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5574 Prime Sponsor, Senator Kauffman: Protecting consumer data in motor vehicles. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5574 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

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SB 5610 Prime Sponsor, Senator Haugen: Authorizing the release of driving record abstracts for employment and risk management purposes. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5610 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kilmer; King; Ranker and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senators Kastama and Kauffman.

Passed to Committee on Rules for second reading.

February 17, 2009
SB 5855 Prime Sponsor, Senator Haugen: Providing excise tax exemptions for water services provided by small water systems. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton; Ranker and Sheldon.

Passed to Committee on Ways & Means.

February 17, 2009
SB 5906 Prime Sponsor, Senator Pridemore: Modifying the business and occupation tax rate on wholesalers of solar energy systems and including semiconductor materials. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Hatfield; Holmquist; Marr; Morton; Ranker and Sheldon.

Passed to Committee on Ways & Means.

February 16, 2009
SJM 8007 Prime Sponsor, Senator Tom: Naming the NE 116th Street overcrossing of Interstate 405 in Kirkland the Kollin Nielsen Memorial Bridge. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 8007 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 13, 2009
SGA 9007 IDA BALLASIOTES, reappointed on October 27, 2008, for the term ending August 2, 2011, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be

confirmed. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Hargrove; Roach and Tom.

Passed to Committee on Rules for second reading.

February 13, 2009
SGA 9043 RUSSELL D HAUGE, reappointed on October 27, 2008, for the term ending August 2, 2011, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Hargrove; Roach and Tom.

Passed to Committee on Rules for second reading.

February 16, 2009
SGA 9048 LATISHA D HILL, appointed on September 3, 2008, for the term ending June 30, 2014, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

Passed to Committee on Rules for second reading.

February 13, 2009
SGA 9089 LENELL NUSSBAUM, reappointed on October 27, 2008, for the term ending August 2, 2011, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Hargrove and Roach.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

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

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

February 18, 2009
 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.

DAN NEWHOUSE, appointed February 18, 2009, for the term ending at the governor's pleasure, as a Director of the Department of Agriculture.

Sincerely,
 CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Agriculture & Rural Economic Development.

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MOTION

On motion of Senator Eide, the appointee listed on the gubernatorial appointment report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6045 by Senator Zarelli

AN ACT Relating to developing a defined contribution retirement system for public employees, teachers, and school employees; and creating new sections.

Referred to Committee on Ways & Means.

SB 6046 by Senator Zarelli

AN ACT Relating to preserving the fully funded status of certain closed plans within the state retirement systems; amending RCW 43.33A.110; and adding a new section to chapter 41.45 RCW.

Referred to Committee on Ways & Means.

SB 6047 by Senators Prentice and Swecker

AN ACT Relating to authorizing a property tax levy to reimburse taxing districts for property taxes refunded under chapter 84.69 RCW and property taxes abated under RCW 84.70.010; amending RCW 84.55.070; adding a new section to chapter 84.69 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6048 by Senators Oemig, Jarrett, McAuliffe, Hobbs, McDermott, Franklin, Kohl-Welles and Haugen

AN ACT Relating to education; and adding a new section to chapter 28A.150 RCW.

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

SB 6049 by Senator McCaslin

AN ACT Relating to vessel fees and surcharges; amending RCW 88.02.050, 88.02.050, and 88.02.270; providing an effective date; and providing expiration dates.

Referred to Committee on Transportation.

SB 6050 by Senators Roach, Hobbs, Stevens, Delvin, Honeyford and Benton

AN ACT Relating to exempting vehicles from the sales and use tax that are sold or used by qualifying disabled veterans or surviving spouses; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Government Operations & Elections.

SB 6051 by Senators Murray, Pflug, Kohl-Welles, McAuliffe, Jarrett, Eide, Kline, Fairley, Jacobsen and McDermott

AN ACT Relating to removing an expiration date applicable to heritage and arts program funding; amending RCW 67.28.180; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6052 by Senator Pflug

AN ACT Relating to health benefit plans offering coverage for surgical treatment of morbid obesity; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6053 by Senators Fraser and Keiser

AN ACT Relating to providing personal hygiene and cleaning products to low-income people; creating new sections; and making appropriations.

Referred to Committee on Health & Long-Term Care.

SB 6054 by Senators Fraser, Fairley and Tom

AN ACT Relating to homeowners' associations; amending RCW 64.38.005, 64.38.010, 64.38.015, 64.38.020, 64.38.025, 64.38.030, 64.38.035, 64.38.040, and 64.38.050; adding new sections to chapter 64.38 RCW; and creating a new section.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6055 by Senator Fraser

AN ACT Relating to the creation of a state homeowners' association ombudsman office; amending RCW 64.38.010; and adding new sections to chapter 64.38 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6056 by Senators Kauffman and Marr

AN ACT Relating to the use of the local infrastructure financing tool for downtown development and redevelopment; repealing RCW 82.14.475, 39.102.020, 39.102.040, 39.102.070, and 39.102.904; repealing 2008 c 209 s 2 (uncodified); repealing 2007 c 229 s 17 (uncodified); and providing expiration dates.

Referred to Committee on Economic Development, Trade & Innovation.

SCR 8406 by Senators Kastama, Shin, Jarrett and Kilmer

Resolving to adopt "The Washington Innovation Economy" as the state's economic development policy.

Referred to Committee on Economic Development, Trade & Innovation.

MOTION

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

MOTION

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

MOTION

Senator Becker moved adoption of the following resolution:

SENATE RESOLUTION
8619

By Senators Becker, Holmquist, Hatfield, Ranker, Brandland, Delvin, Stevens, Swecker, Honeyford, Morton, McCaslin, Parlette, Hewitt, Schoesler, King, Carrell, Benton, Pflug, Kastama, Kilmer, Rockefeller, Jacobsen, Franklin, Haugen, Roach, and Fraser

WHEREAS, It is the tradition of the Washington State Senate to honor the great entrepreneurs and family businesses that have uniquely shaped the Northwest; and

WHEREAS, Wilcox Farms is celebrating its centennial anniversary this year; and

WHEREAS, Judson and Elizabeth Wilcox started Wilcox Farms in 1909 on a 240-acre farm in Roy, Washington; and

WHEREAS, In 1931, Judson's son Truman decided to stay on the farm and joined into a partnership; and

WHEREAS, Wilcox Farms entered the dairy business in 1961, when Truman's son Jim returned from the University of Puget Sound, and son Barrie joined the farm four years later; and

WHEREAS, The farm began processing and packaging its own eggs in 1969; and

WHEREAS, In the 1970s, the farm began marketing their own products; and

WHEREAS, The feed mill was later built in 1975, making the farm self-sufficient in feed manufacturing; and

WHEREAS, The farm has grown to 1,600 acres at the original Roy, Washington location; and

WHEREAS, The Roy location is home to over 800,000 laying hens, several hundred thousand pullets, a shell egg processing plant, and a liquid egg processing plant; and

WHEREAS, The feed division handles approximately 90 train cars per year, and Wilcox products are distributed in Wilcox trucks from the California border to the North Slope of Alaska; and

WHEREAS, Wilcox Farms has won numerous awards for its commitment to environmental protection; and

WHEREAS, Wilcox Farms remains family owned and operated, with Andy, Brent, and Chris Wilcox still involved in the day-to-day management;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby acknowledge and honor Wilcox Farms in celebration of its 100th year in operation; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Wilcox Family Farm.

Senators Becker, Franklin and Parlette spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8619.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Wilcox Family Farms who were seated in the gallery.

MOTION

At 10:14 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 11:10 a.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

February 13, 2009

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5460 with the following amendment: 5460-S.E AMH WAYS H1916.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.06.070 and 2002 c 354 s 209 are each amended to read as follows:

(1) The provisions of this chapter do not apply to:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, joint legislative audit and review committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, and employees of technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

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(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;

(i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(j) Assistant attorneys general;

(k) Commissioned and enlisted personnel in the military service of the state;

(l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board;

(m) The public printer or to any employees of or positions in the state printing plant;

(n) Officers and employees of the Washington state fruit commission;

(o) Officers and employees of the Washington ((state)) apple ((advertising)) commission;

(p) Officers and employees of the Washington state dairy products commission;

(q) Officers and employees of the Washington tree fruit research commission;

(r) Officers and employees of the Washington state beef commission;

(s) Officers and employees of any commission formed under chapter 15.66 RCW;

(t) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;

(u) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(v) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(w) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(x) All employees of the marine employees' commission;

(y) Staff employed by the department of community, trade, and economic development to administer energy policy functions and manage energy site evaluation council activities under RCW 43.21F.045(2)(m);

(z) Staff employed by Washington State University to administer energy education, applied research, and technology transfer programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5).

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically

located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(c) Printing craft employees in the department of printing at the University of Washington.

(3) In addition to the exemptions specifically provided by this chapter, the director of personnel may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the director of personnel stating the reasons for requesting such exemptions. The director of personnel shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the director determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the director of personnel shall grant the request and such determination shall be final as to any decision made before July 1, 1993. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1)(j) through (u) and (x) and (2) of this section, shall be determined by the director of personnel. Changes to the classification plan affecting exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.152.

For the twelve months following the effective date of this section, a salary or wage increase shall not be granted to any position exempt from classification under this chapter.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 2. RCW 41.06.133 and 2002 c 354 s 204 are each amended to read as follows:

The director shall adopt rules, consistent with the purposes

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and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(1) The reduction, dismissal, suspension, or demotion of an employee;

(2) Training and career development;

(3) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;

(4) Transfers;

(5) Promotional preferences;

(6) Sick leaves and vacations;

(7) Hours of work;

(8) Layoffs when necessary and subsequent reemployment, except for the financial basis for layoffs;

(9) The number of names to be certified for vacancies;

(10) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units. The rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located. Such adoption and revision is subject to approval by the director of financial management in accordance with chapter 43.88 RCW;

(11) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service. For the twelve months following the effective date of this section, a salary or wage increase shall not be granted to any exempt position under this chapter;

(12) Optional lump sum relocation compensation approved by the agency director, whenever it is reasonably necessary that a person make a domiciliary move in accepting a transfer or other employment with the state. An agency must provide lump sum compensation within existing resources. If the person receiving the relocation payment terminates or causes termination with the state, for reasons other than layoff, disability separation, or other good cause as determined by an agency director, within one year of the date of the employment, the state is entitled to reimbursement of the lump sum compensation from the person;

(13) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the director, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given. However, the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service. For the purposes of this section, "veteran" does not include any person who has voluntarily retired with twenty or more years of active military

service and whose military retirement pay is in excess of five hundred dollars per month.

Rules adopted under this section by the director shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the director.

Rules adopted by the director under this section may be superseded by the provisions of a collective bargaining agreement negotiated under RCW 41.80.001 and 41.80.010 through 41.80.130. The supersession of such rules shall only affect employees in the respective collective bargaining units.

Sec. 3. RCW 41.06.500 and 2002 c 354 s 243 are each amended to read as follows:

(1) Except as provided in RCW 41.06.070, notwithstanding any other provisions of this chapter, the director is authorized to adopt, after consultation with state agencies and employee organizations, rules for managers as defined in RCW 41.06.022. These rules shall not apply to managers employed by institutions of higher education or related boards or whose positions are exempt. The rules shall govern recruitment, appointment, classification and allocation of positions, examination, training and career development, hours of work, probation, certification, compensation, transfer, affirmative action, promotion, layoff, reemployment, performance appraisals, discipline, and any and all other personnel practices for managers. These rules shall be separate from rules adopted for other employees, and to the extent that the rules adopted under this section apply only to managers shall take precedence over rules adopted for other employees, and are not subject to review by the board.

(2) In establishing rules for managers, the director shall adhere to the following goals:

(a) Development of a simplified classification system that facilitates movement of managers between agencies and promotes upward mobility;

(b) Creation of a compensation system that provides flexibility in setting and changing salaries, and shall require review and approval by the director in the case of any salary changes greater than five percent proposed for any group of employees;

(c) Establishment of a performance appraisal system that emphasizes individual accountability for program results and efficient management of resources; effective planning, organization, and communication skills; valuing and managing workplace diversity; development of leadership and interpersonal abilities; and employee development;

(d) Strengthening management training and career development programs that build critical management knowledge, skills, and abilities; focusing on managing and valuing workplace diversity; empowering employees by enabling them to share in workplace decision making and to be innovative, willing to take risks, and able to accept and deal with change; promoting a workplace where the overall focus is on the recipient of the government services and how these services can be improved; and enhancing mobility and career advancement opportunities;

(e) Permitting flexible recruitment and hiring procedures that enable agencies to compete effectively with other employers, both public and private, for managers with appropriate skills and training; allowing consideration of all qualified candidates for positions as managers; and achieving affirmative action goals and diversity in the workplace;

(f) Providing that managers may only be reduced, dismissed, suspended, or demoted for cause; and

(g) Facilitating decentralized and regional administration.

(3) For the twelve months following the effective date of this section, a salary or wage increase shall not be granted to any position under this section.

Sec. 4. RCW 43.03.030 and 1965 c 8 s 43.03.030 are each amended to read as follows:

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(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 shall have power to fix such compensation at any amount not to exceed the amount fixed by statute.

(3) For the twelve months following the effective date of this section, a salary or wage increase shall not be granted to any position under this section.

Sec. 5. RCW 43.03.040 and 1993 sp.s. c 24 s 914 are each amended to read as follows:

The directors of the several departments and members of the several boards and commissions, whose salaries are fixed by the governor and the chief executive officers of the agencies named in RCW 43.03.028(2) as now or hereafter amended shall each severally receive such salaries, payable in monthly installments, as shall be fixed by the governor or the appropriate salary fixing authority, in an amount not to exceed the recommendations of the committee on agency officials' salaries. ~~((Beginning July 1, 1993, through June 30, 1995, the salary paid to such directors and members of boards and commissions shall not exceed the amount paid as of April 1, 1993-))~~ For the twelve months following the effective date of this section, a salary or wage increase shall not be granted to any position under this section.

NEW SECTION. Sec. 6. STATE EMPLOYMENT. (1) From the effective date of this section until July 1, 2009, and consistent with the governor's directive dated August 4, 2008, state agencies of the legislative, executive, and judicial branches shall not establish new staff positions or fill vacant existing staff positions except as specifically authorized by this section.

(2) The following activities of state agencies are exempt from subsection (1) of this section:

(a) Direct custody, supervision, and patient care in corrections, juvenile rehabilitation, institutional care of veterans, the mentally ill, developmentally disabled, state hospitals, the special commitment center, and the schools for the blind and the deaf;

(b) Direct protective services to children and other vulnerable populations in the department of social and health services;

(c) Washington state patrol investigative services and field enforcement;

(d) Hazardous materials response and emergency cleanup;

(e) Emergency public health and patient safety response and the public health laboratory;

(f) Military operations and emergency management within the military department;

(g) Firefighting;

(h) Enforcement officers in the department of fish and wildlife, the liquor control board, the gambling commission, and the department of natural resources;

(i) Park rangers at the parks and recreation commission;

(j) Seasonal employment by natural resources agencies to the extent that employment levels do not exceed the prior fiscal year;

(k) Seasonal employment in the department of transportation maintenance programs to the extent that employment levels do not exceed the prior fiscal year;

(l) Employees hired on a seasonal basis by the department of agriculture for inspection and certification of agricultural products and for insect detection;

(m) Activities directly related to tax and fee collection, revenue generation, auditing, and recovery;

(n) In institutions of higher education, any positions directly related to academic programs, as well as positions not funded from state funds or tuition;

(o) Operations of the state lottery and liquor control board business enterprises;

(p) The unemployment insurance program of the employment security department; and

(q) Activities that are necessary to receive or maintain federal funds by the state.

(3) The exemptions specified in subsection (2) of this section do not require the establishment of new staff positions or the filling of vacant existing staff positions in the activities specified.

(4) Exceptions to this section may be granted under section 10 of this act.

NEW SECTION. Sec. 7. PERSONAL SERVICES CONTRACTS. From the effective date of this section until July 1, 2009, and consistent with the governor's directive dated August 4, 2008, state agencies of the legislative, executive, and judicial branches shall not enter into any contracts or other agreements for the acquisition of personal services not related to an emergency or other catastrophic event that requires government action to protect life or public safety. This section does not apply to personal services contracts or other agreements for the acquisition of personal services where the costs are funded exclusively from private or federal grants, where the costs are for tax and fee collection, where the costs are for revenue generation and auditing activities, where the costs are necessary to receive or maintain federal funds by the state, or, in institutions of higher education, where the costs are not funded from state funds or tuition. Exceptions to this section may be granted under section 10 of this act. This section does not apply to the unemployment insurance program of the employment security department.

NEW SECTION. Sec. 8. EQUIPMENT PURCHASES. From the effective date of this section until July 1, 2009, and consistent with the governor's directive dated August 4, 2008, state agencies of the legislative, executive, and judicial branches shall not enter into any contracts or other agreements for the acquisition of any item of equipment the cost of which exceeds five thousand dollars and is not related to an emergency or other catastrophic event that requires government action to protect life or public safety. Exceptions to this section may be granted under section 10 of this act. This section does not apply to the unemployment insurance program of the employment security department, to costs that are for tax and fee collection, for revenue generation and audit activities, or for receiving or maintaining federal funds by the state, or, in institutions of higher education, to costs not funded from state funds or tuition.

NEW SECTION. Sec. 9. STATE EMPLOYEE TRAVEL AND TRAINING. Consistent with the governor's directive dated August 4, 2008, state agencies of the legislative, executive, and judicial branches shall not make expenditures for the cost or reimbursement of out-of-state travel or out-of-state training by state employees where the travel or training is not related to (1) an emergency or other catastrophic event that requires government action to protect life or public safety, or (2) direct service delivery, and the travel or training occurs after the effective date of this section and before July 1, 2009. This section does not apply to travel expenditures when the costs are funded exclusively from private or federal grants. Exceptions to this section may be granted under section 10 of this act. This section does not apply to the unemployment insurance program of the employment security department, to costs that are for tax and fee collection, for revenue generation and audit activities, or for receiving or maintaining federal funds by the state, or, in institutions of higher education, to costs not funded from state

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funds or tuition.

NEW SECTION. **Sec. 10. EXCEPTIONS.** (1) Exceptions to sections 6 through 9 of this act may be granted for the critically necessary work of an agency as provided in this section.

(2) For agencies of the executive branch, the exceptions shall be subject to approval by the director of financial management. For agencies of the judicial branch, the exceptions shall be subject to approval of the chief justice of the supreme court. For the house of representatives and the senate, the exceptions shall be subject to approval of the chief clerk of the house of representatives and the secretary of the senate, respectively, under the direction of the senate committee on facilities and operations and the executive rules committee of the house of representatives. For other legislative agencies, the exceptions shall be subject to approval of both the chief clerk of the house of representatives and the secretary of the senate under the direction of the senate committee on facilities and operations and the executive rules committee of the house of representatives.

(3) Exceptions approved under subsection (2) of this section shall take effect no sooner than five business days following notification of the chair and ranking minority member of the ways and means committees in the house of representatives and the senate. The person approving exceptions under subsection (2) of this section shall send the exceptions to the legislature for consideration every thirty days from the effective date of this section, or earlier should volume or circumstances so necessitate.

NEW SECTION. **Sec. 11.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 12.** Captions used in this act are not any part of the law.

NEW SECTION. **Sec. 13.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Tom moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5460.

MOTION

On motion of Senator Brandland, Senator Benton was excused.

The President declared the question before the Senate to be the motion by Senator Tom that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5460.

POINT OF INQUIRY

Senator Prentice: "Would Senator Tom yield to a question? Senator Tom, Engrossed Substitute Senate Bill No. 5460 is intended to reduce the administrative cost of state government by among other items restricting the authority of state agencies to enter into contracts for personal services and equipment purchases prior to July 1, 2009 the end of the 2007-09 fiscal biennium. Is this bill intended to restrict the ability or the authority of state agencies to enter into agreement for these

kinds of purchases if the actual expenditures occur in the 2009-11 biennium and no expenditures occur in the current biennium?"

Senator Tom: "No, sections 7 & 8 of Engrossed Substitute Senate Bill No. 5460 are not intended to restrict the ability of state agencies to enter into contracts or expenditures in the 2009-11 fiscal biennium subject to legislative appropriation."

The motion by Senator Tom carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5460 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5460, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5460, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, 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, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Benton

ENGROSSED SUBSTITUTE SENATE BILL NO. 5460, 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, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5048, by Senators Kilmer, Kastama, Schoesler, Shin, Delvin, Kauffman, King and Pridemore

Providing for coordination of workforce and economic development.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5048 was substituted for Senate Bill No. 5048 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer and Becker spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Delvin was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5048.

ROLL CALL

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The Secretary called the roll on the final passage of Substitute Senate Bill No. 5048 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Eide, Fairley, 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, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Benton and Delvin

SUBSTITUTE SENATE BILL NO. 5048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5043, by Senators Kilmer, Kauffman, Shin, Rockefeller, Kastama, Kohl-Welles, Jarrett, Tom and McAuliffe

Convening a work group to develop a single, coordinated student access portal for college information.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5043 was substituted for Senate Bill No. 5043 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5043 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5043.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5043 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, 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, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Benton

SUBSTITUTE SENATE BILL NO. 5043, 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.

PERSONAL PRIVILEGE

Senator Marr: "Thank you Mr. President. Mr. President, yesterday the Senate unanimously adopted Senate Joint Resolution No. 8631. How this resolution memorializes a chapter in American history that began sixty-seven years ago with the signing with the Executive Order 9066 by President Franklin Roosevelt. It's a chapter that can have no closure as long as there are those who value human dignity and the Constitution that all of us in this chamber are sworn to uphold.

For many, as much as many would like to forget the tragedy of the internment of so many loyal Japanese Americans, and that includes those who stood by as it happened, as well as those who suffered the indignity of relocation. We cannot and we will not forget Mr. President. It's a story of one hundred twenty thousand lives forever shaped by relocation to internment camps with names like Topaz, Heart Mountain, Minidoka and Manzanar. Over sixty thousand of those were infants, children and young adults who had not reached voting age. Twelve thousand were fellow Washingtonians like you or I. We've all been touched by stories, and I know many of us have them, of families uprooted over night, forced to sell homes and farms in a matter of days usually suffering significant financial loss, family heirlooms and belongings placed in government storage or left with friends that were either destroyed or not returned when those families returned home. Camps, and by the way, I had a chance to visit with my wife, the Buddhist Temple in Wapato that's in Senator King's District. It's a beautiful altar there, and it's there because a local farmer put it in his barn and hid it under hay. They went to camps, they were surrounded by desert and barbed wire. These were tar-papered covered barracks without plumbing or cooking facilities. Coal was hard to come by so basically the people there huddled under the blankets they were provided. The food was rationed. It was prepared by internees, served by internees and served in mess halls of two-hundred fifty and three hundred people. It was a bleak existence that was endured only by the love of friends and family and the same sense of hope that brought many of those Japanese Americans to these shores generations before. There are also stories however, that reinforce our belief in human decency and compassion. Friends back home that wrote on a regular basis, books provided for kids in the camps, neighbors who took care of belongings, pets, property and return them after these people returned home. Many of them with only the one hundred dollars they were given to relocate back to their homes. Also, there are many stories of the heroism of the 442nd regimental combat team, the sons and brothers of those back home in camps, the most highly decorated military unit in the history of the United States Armed Forces with twenty-one medal of honor winners. Now, if giving your life for your country while your parents sit behind barb wire in the desert is not a definition of selfishness and love of country Mr. President, I don't know what is, but sadly the sum total of these acts cannot undo the wrong of putting innocent, loyal Japanese Americans behind barb wire for years. The phrase, Mr. President, '*shikata-ganai*' is often used to describe the internment experience by generations, older generations. One translation is, 'literally it cannot be helped,' but I do not prefer this translation because number one, it implies that an honest assessment of what democracy stands for could not have avoided this tragedy, and the second thing, that it implies a sense of helplessness and resignation. To me a better definition, a better translation is that a person has to endure what cannot be changed. This implies that at an end of a time of darkness and suffering, there will be an opportunity to change the causes and conditions that brought so much pain on to so many people and that's why we're here Mr. President. To acknowledge that the experience of putting one hundred twenty thousand fellow Americans in internment camps is one we all here, share collectively in one way or another. It serves to diminish us all as human beings and believers in principles upon our democracy was founded, that so many, including Japanese Americans gave their lives to defend and it really causes us to recommit, not to repeat the same mistakes by succumbing to fear, bigotry or prejudice. As a Japanese American, Mr. President, I'm honored to have been given the honor of serving in this chamber and forever grateful that I'm guided by the lessons that come from the sacrifices of those we honored with that resolution. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Hobbs: “Mr. President I like to follow up with the previous speaker. We talked about the darkness and the tragedy of the internment. I’d like to move on from that and talk about the light. The light in the darkness of this tragedy where we have men who fight for the freedom of our country yet at the same time, at the same time, when their battling an enemy that’s trying to defeat us that there seventy year old grandmother and their ten year old sister are considered enemies of the state. I don’t how they did it. We know the history of these great men and I’m talking about the men of the 100th Battalion and the M. I. S and the 442nd. A little bit of the history, thirty three thousand answered the call, answered the call to fight even though their families were in interned. Six thousand were part of the M. I. S. Military Intelligent Service. Boy, I don’t know how they did it. These people fought in the Pacific theater against people they would consider their brothers, their ancestors. But they were fighting on the wrong side, the imperial Japanese, and they were there fighting them and they were there in Iwo Jima and Okinawa. They were critical in every command, but on the other side, in the Atlantic, we had the 100th Battalion and we had the 442nd and I wanted to name off some of the battles, some of the important battles and sacrifices they did. The first one is at Casino. Thirteen hundred men of the 100th battalion. There was this old monastery on top of a hill and they had to take it. They were German observers calling fire upon the allied forces down below and the thirteen hundred men in that action over a course of a few days only five hundred twenty-one we able to muster after the combat. Still unable to take it, it took five more divisions and aerial bombing before that place was able to be taken. Several months later, the 442nd, the rest of them, linked up with them and there they did something that the Army is very proud of, we have a saying. ‘We leave no one behind.’ There was a battalion, now famously called The Lost Battalion, that was the first battalion, 141st Infantry of the 36th Infantry Division. Two hundred eleven men surrounded by German forces in a force, in mountains. They went in there and rescued them at the cost of half their soldiers. They went on to liberate parts of France and went into Germany, 522nd Artillery Unit was one of units that liberated the Dachau concentration camp. If you don’t mind Mr. President, I would like read a little bit here? The 442nd became most decorated unit in the United States Military history for the size and the length of service with it’s component 100th infantry battalion earning the nick name ‘The Purple Heart battalion’. The 442nd received seven presidential unit citations and eighteen thousand one-hundred forty-three awards including twenty-one medals of honor, fifty-two distinguished service crosses, nineteen upgraded to medals of honor, one distinguished service medal, five hundred sixty silver stars, twenty-two legends of merit medals, fifteen soldiers medals, four thousand bronze stars and nine thousand four hundred eighty-six purple hearts. If you were to do a statistical analysis of this battalion in terms of casualty rates. To include killed in action, wounded and missing in action, they would have a stunning three hundred fourteen percent casualty rate, incredible. Incredible that these men took on amazing odds and their families own were interned. I remember I was visiting the Nisei Vet Hall and my son was saying, ‘He’s a little guy over there.’ One of the former Nisei vets, I go, ‘You know Gavin, that little guy, that little guy carried probably about fifty-five pounds on his back ammunition, a rifle up hill to take on a determined enemy.’ You know, he may be a little guy but he’s the biggest hero in my book. We should always remember his sacrifices and the sacrifices of others. You know I can never hold a candle to those men of the 442nd and the M. I. S. and I’m Nisei veteran. I fought in Iraq, but I tell you what I’m proud, I’m proud to be a Nisei veteran and thank you so much for what you’ve done for me.”

PERSONAL PRIVILEGE

Senator Rockefeller: “Thank you Mr. President. Back in 1971 I moved to Bainbridge Island. I didn’t know it’s history at the time but I found out soon enough that I had neighbors, to my east was a former Island garden nursery owned by a gentleman named Junkoh Harui who recently passed away and to the south of my home was ten acre raspberry farm which was farmed by Mrs. Shigeo Kitamoto. Now, I had seen this iconic picture of a young Japanese American carrying a baby waiting for the deportation and removal from the Island and for years I thought it was Mrs. Kitamoto but she never talked about her story and she too was relocated from Bainbridge Island. She was among some two hundred forty citizens who were relocated by the U. S. Army and taken away. Part of that thirteen thousand of the one hundred twenty thousand, the Senator from the Sixth District referenced earlier. For years Mrs. Kitamoto would not talk about this, it was a source of humiliation that this had even occurred to her and never occurred, I think, to think about the injustice. She was struggling to make a life for her four children. She was a widow. She farmed those ten acres. I would hear her at five o’clock in the morning with her hoe scrabbling through some stony soil, hooking up irrigation pipes and picking the raspberries which my daughters found irresistible. They couldn’t help but go down into the raspberry field and run up and down and Mrs. Kitamoto pretended that she didn’t see them. Gradually we became acquainted and she became our friend and someone we loved and then eventually she began to talk about her experience and it was like that of so many others. A denial of civil rights, a loss of the opportunity to make a living for several years, coming back home to a place which had changed where their opportunities were largely gone and they had to rebuild their lives and they have done that with great courage and dignity and they are now a thriving part of our community. We owe so much to them, we owe so much to the veterans who performed so magnificently so I am happy here today to join in support of this resolution. Thank you.”

PERSONAL PRIVILEGE

Senator Shin: “As a former professor of history every time I think about this the 442nd regiment and Executive 9066, used to bring tears to my eyes because how could a democratic nation such as the United States would do? But today, as I stand before you, a nation that committed a wrong and to say, ‘I’m sorry’ and we are sorry the nation civilization would thrive. I think America epitomizes that example. The young nation trials and tribulations went through and we rectified. For example, Executive 9066, it was issued and one hundred twenty thousand Japanese Americans interned. One of the Washington residents whose name was Gordon Hirabayashi, was a University Washington student. He questioned and challenged the legitimacy of such a law and he not go to internment camp but he was arrested but accordingly to constitutionality he was not guilty. He sent or made a time peacefully in Arizona and released after World War II and but Japanese Americans in the United States all their suffering not withstanding, they’re obedient and faithful to this country. They claimed this land is the land of the United States of American which I applaud for them and one of our great senators in the United States, Daniel Induye. He is a recipient of one of the highest medals in the second, World War II. He still in the U. S. Senate in Washington D. C. making a service to this country. As you perhaps know that we actually, I primed sponsored that bill in the year 2001 for Takuji Yamashita. He came to the United States 1897. Went to the University of Washington finished the University of Washington in law school, passed the bar exam in 1904 but he was not allowed to practice law, by he was not

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given license to practice, so instead he went to fishing. After World War II, 1949 he went back to Japan to die. I read about this article and I present this to you this article to you folks in the Senate and most of you suggested I should put into legislation and give Takuji a post humus title as a lawyer in Washington state and I remember some of you made a speech to the fact we are sorry but I said give this man a title and of such the post humus title is given and we invited Takuji Yamohitea's during the hearing. Japanese Consul General from Seattle area also grandchildren, nine of them came from Japan to participate in the ceremony. It was most emotional ceremony. There wasn't a dry eye in the ceremony and the past, the speech that bill that passed ladies and gentleman that itself Japanese Consul General saw fit to take it to Japan and today that bill hangs in Saiga Ueno National Park in downtown Tokyo, reminder her that the nation live together, they are peacefully and sorry and forgiven and continuing to be friends. This is I think is an important chapter. One of the great things about this country I feel is that yes I am an immigrant myself not knowing much about this country but this country recognize for all. As you know the year 2002 we sponsored legislation changing from 'oriental' to 'Asian.' It passed unanimously passed the House and Governor signed. We became the first state in the country to pass the legislation changing from Oriental to Asians and, surprisingly, the year 2004 United States Congress accepts that and made official change the title from Oriental to Asian. We got a letter from Singapore, India, Pakistan, 'What is this about,' They didn't even understand. We send them the bill. They didn't know that and they all changed. Now it has a global affect and another great thing about this country. After the pass of the bill, I was invited by the Martin Luther King III. He said 'Would you come to Kansas City, Missouri to speak to Southern Christian Conference. Which I did and he was waiting at the airport. He says 'If my father was alive, he would be the first one to thank you for such a bill.' In the speech my conclusion of the speech was this ladies and gentlemen. Many people see America as a different metaphor. Some says, America is like a apple pie, baseball and Chevrolet, some call it Marilyn Monroe but to me America is a beautiful, my metaphor for America is a beautiful piece of tapestry. Some call the melting pot. What does that mean. Does it mean we're melting into the same color. I don't think so. It's a beautiful piece of tapestry. There's a white thread, black, brown, yellow different colored threads. Single thread is there is weak but together make a strong and beautiful tapestry. This is what America is all about. We came a long ways. Is America perfect. I don't think so yet. We have a long ways to go yet, so much work to do but I am so grateful to serve in a country, live in a country, that understands the justice and love for all. For this reason, thank you very much Mr. President."

PERSONAL PRIVILEGE

Senator Jacobsen: "I was born in Nebraska and I haven't been back there in a long but I go back for visits but I have a lot of relatives back there and they send me Cornhuskers paraphernalia from the University of Nebraska football team and I had a sweatshirt on one day and I went into Burger Master and this Japanese American woman said to me, 'Now I know why I like you. You're from Nebraska.' Then she told me the story that in World War II the University of Nebraska said all the Japanese Americans that are college age that were going to be relocated that they would accept them at the University of Nebraska so they have a large Nisei contingent of alumni. She said what they told her when she got back there to go to University, and Nebraska's a mixture of ethnic group, every towns a different groups. But anyway what they told her was, you know in World War I we didn't treat our Germans very well and we're not going to make that mistake again and then I

thought about it and 911 it helped me from yielding to the passions of the moment and saying you know we have a lot of good citizens here and they're loyal to this country and we shouldn't panic just because of what happened. So, I think that's a lesson I learned from it and I'm proud to be from Nebraska."

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Thank you Mr. President. Having read the article in the Seattle Post Intellegencer late last month I was particularly moved by the story of Miss. Hayashida and for many years in teaching college classes on sociology and covering information on prejudice and discrimination, one of the most alarming really is devastating facts unfortunately that I had uncovered, and I don't think this is very well known by the public, but at the time of these transportations of individuals to internment camps, the United States Congress came just short of passing legislation that would of required sterilization of all Japanese Americans. It's horrifying to think about that. I absolutely certain that would not happen today and did not happen then but it is just extremely difficulty even comprehend that at that time except for very close margin that would have been the reality. So, I think it's important to note that and I appreciate this debate on the floor today, this discussion. Thank you."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mrs. Fumiko Hayashida, Ruthann Kurose, members of the American Citizens League and Veterans Committee who were seated in the gallery.

SECOND READING

SENATE BILL NO. 5044, by Senators Kilmer, Berkey, Kastama, Schoesler, Marr, Shin, Rockefeller, Eide, Jarrett, Keiser, Tom and Kohl-Welles

Changing work-study provisions.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5044 was substituted for Senate Bill No. 5044 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5044 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5044.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5044 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, 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, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Benton

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SUBSTITUTE SENATE BILL NO. 5044, 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 12:47 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, February 19, 2009.

MOTION

BRAD OWEN, President of the Senate

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

THOMAS HOEMANN, Secretary of the Senate

MESSAGE FROM THE HOUSE

February 18, 2009

MR. PRESIDENT:

The House concurred in Senate amendment to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

At 12:00 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 12:19 p.m. by President Owen.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5460,

MOTION

At 12:20 p.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 12:45 p.m. by President Owen.

MESSAGE FROM THE HOUSE

February 18, 2009

MR. PRESIDENT:

The Speaker has signed the following:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694,

MESSAGE FROM THE HOUSE

February 18, 2009

MR. PRESIDENT:

The Speaker has signed the following:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5460, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

1694-S		8007	
Messages.	12	Committee Report.	2
President Signed.	12	8406	
Speaker Signed.	12	Introduction & 1st Reading.	3
5043		8619	
Second Reading.	9	Adopted.	4
5043-S		Introduced.	4
Second Reading.	9	9007	
Third Reading Final Passage.	9	Committee Report.	2
5044		9043	
Second Reading.	11	Committee Report.	2
5044-S		9048	
Second Reading.	11	Committee Report.	2
Third Reading Final Passage.	12	9089	
5048		Committee Report.	2
Second Reading.	8	MESSAGE FROM GOVERNOR	
5048-S		Gubernatorial Appointments.	2
Second Reading.	8	PRESIDENT OF THE SENATE	
Third Reading Final Passage.	9	Intro. Special Guest, Members of Wilcox Family Farms.	4
5262		Intro. Special Guest, Niesi Veterans Committee.	11
Committee Report.	1	WASHINGTON STATE SENATE	
5375		Personal Privilege, Senator Hobbs.	10
Committee Report.	1	Personal Privilege, Senator Jacobsen.	11
5417		Personal Privilege, Senator Kohl-Welles.	11
Committee Report.	1	Personal Privilege, Senator Marr.	9
5451		Personal Privilege, Senator Rockefeller.	10
Committee Report.	1	Personal Privilege, Senator Shin.	10
5460-S		Point of Inquiry, Senator Prentice.	8
Final Passage as amended by House.	8		
Messages.	4		
Other Action.	8		
President Signed.	12		
Speaker Signed.	12		
5513			
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5518			
Committee Report.	1		
5544			
Committee Report.	1		
5574			
Committee Report.	1		
5610			
Committee Report.	2		
5855			
Committee Report.	2		
5906			
Committee Report.	2		
6045			
Introduction & 1st Reading.	3		
6046			
Introduction & 1st Reading.	3		
6047			
Introduction & 1st Reading.	3		
6048			
Introduction & 1st Reading.	3		
6049			
Introduction & 1st Reading.	3		
6050			
Introduction & 1st Reading.	3		
6051			
Introduction & 1st Reading.	3		
6052			
Introduction & 1st Reading.	3		
6053			
Introduction & 1st Reading.	3		
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Introduction & 1st Reading.	3		
6055			
Introduction & 1st Reading.	3		
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Introduction & 1st Reading.	3		