

FIFTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 1, 2007

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Pflug and Shin.

The Sergeant at Arms Color Guard consisting of Pages Tucker Cholvin and Leila Frishak, presented the Colors. High Priest Jim Erlandson of the Community of Christ 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

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

February 28, 2007

MR. PRESIDENT:

The House has passed the following bills:

- HOUSE BILL NO. 1000,
- HOUSE BILL NO. 1269,
- HOUSE BILL NO. 1403,
- HOUSE BILL NO. 1476,
- SUBSTITUTE HOUSE BILL NO. 1482,
- SUBSTITUTE HOUSE BILL NO. 1500,
- HOUSE BILL NO. 1505,
- SUBSTITUTE HOUSE BILL NO. 1574,
- SUBSTITUTE HOUSE BILL NO. 1607,
- HOUSE BILL NO. 1645,
- SUBSTITUTE HOUSE BILL NO. 1646,
- HOUSE BILL NO. 1666,
- SUBSTITUTE HOUSE BILL NO. 1693,
- HOUSE BILL NO. 1759,
- HOUSE BILL NO. 1791,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 28, 2007

MR. PRESIDENT:

The House has passed the following bills:

- SUBSTITUTE HOUSE BILL NO. 1041,
- HOUSE BILL NO. 1068,
- HOUSE BILL NO. 1235,
- SUBSTITUTE HOUSE BILL NO. 1246,
- HOUSE BILL NO. 1293,
- SUBSTITUTE HOUSE BILL NO. 1304,
- SUBSTITUTE HOUSE BILL NO. 1472,
- SUBSTITUTE HOUSE BILL NO. 1498,
- HOUSE BILL NO. 1520,
- SUBSTITUTE HOUSE BILL NO. 1555,
- SUBSTITUTE HOUSE BILL NO. 1642,
- HOUSE BILL NO. 1775,
- SUBSTITUTE HOUSE BILL NO. 1929,
- SUBSTITUTE HOUSE BILL NO. 2049,
- SUBSTITUTE HOUSE BILL NO. 2147,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 28, 2007

MR. PRESIDENT:

The House has passed the following bills:

- SUBSTITUTE HOUSE BILL NO. 1102,
- SUBSTITUTE HOUSE BILL NO. 1122,
- SUBSTITUTE HOUSE BILL NO. 1140,
- HOUSE BILL NO. 1220
- HOUSE BILL NO. 1224,
- SUBSTITUTE HOUSE BILL NO. 1233,
- HOUSE BILL NO. 1270,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 28, 2007

MR. PRESIDENT:

The House has passed the following bills:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1464,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1756,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 28, 2007

MR. PRESIDENT:

The House has passed the following bills:

- ENGROSSED HOUSE BILL NO. 1379,
- SUBSTITUTE HOUSE BILL NO. 1396,
- HOUSE BILL NO. 1420,
- HOUSE BILL NO. 1457,
- ENGROSSED HOUSE BILL NO. 1460,
- HOUSE BILL NO. 1526,
- HOUSE BILL NO. 1528,
- SUBSTITUTE HOUSE BILL NO. 1734,
- HOUSE BILL NO. 1824,
- HOUSE BILL NO. 1831,
- HOUSE BILL NO. 1859
- HOUSE BILL NO. 1888,
- HOUSE BILL NO. 1939,
- SUBSTITUTE HOUSE BILL NO. 1953,
- HOUSE BILL NO. 1966,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 28, 2007

MR. PRESIDENT:

The House has passed the following bills:

- ENGROSSED HOUSE BILL NO. 1648,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6143 by Senators Murray, Pflug, Eide, Rockefeller, Roach, Weinstein, Shin, Fairley and Kilmer

AN ACT Relating to providing comprehensive membership of significant jurisdictions on the executive board of regional transportation planning organizations; and amending RCW 47.80.060.

Referred to Committee on Transportation.

SB 6144 by Senators Jacobsen and Kohl-Welles

AN ACT Relating to a Pacific Northwest maritime national heritage area feasibility assessment; creating new sections; and making an appropriation.

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

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

MOTION

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

SECOND READING

SENATE BILL NO. 5088, by Senators Haugen, Swecker and Shin

Regulating ferry queues.

The measure was read the second time.

MOTION

Senator Rockefeller moved that the following amendment by Senators Haugen and Rockefeller be adopted.

On page 1, after line 15, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 47.60 RCW to read as follows:

(1) The driver of a vehicle waiting in a holding area operated by Washington state ferries shall not have the vehicle idle in excess of three consecutive minutes if the vehicle is gasoline-powered or in excess of five consecutive minutes if the vehicle is diesel-powered, unless:

(a) The vehicle is being used as an emergency vehicle in an emergency situation;

(b) The vehicle is required by a federal, state, or local law or official, but only to the extent necessary to comply with such a requirement;

(c) The vehicle's engine is providing auxiliary power for activities other than heating or air conditioning, such as loading, refrigeration, well drilling, or farming;

(d) Running the vehicle's engine is necessary for maintenance, servicing, repair, or diagnostic purposes;

(e) Running the vehicle's engine during adverse weather conditions is necessary to ensure the safe operation of the vehicle; or

(f) The ambient air temperature is below twenty degrees

Fahrenheit for gasoline-powered vehicles or below thirty-two degrees Fahrenheit for diesel-powered vehicles, and idling of the vehicle is necessary to ensure the safety or health of the passengers or driver.

(2) RCW 47.04.090 does not apply to this section."

On page 1, line 1 of the title, after "ferries;", strike "and"

On page 1, line 2 of the title, after "46.61 RCW", insert ";and adding a new section to chapter 47.60 RCW"

WITHDRAWAL OF AMENDMENT

On motion of Senator Rockefeller, the amendment by Senators Haugen and Rockefeller on page 1, line 15 to Senate Bill No. 5088 was withdrawn.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5088 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Kohl-Welles and Shin were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5088.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5088 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Pflug - 1

Excused: Senator Shin - 1

SENATE BILL NO. 5088, 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 Brandland, Senator Pflug was excused.

SECOND READING

SENATE BILL NO. 5263, by Senators Franklin, Hobbs, Berkey and Hatfield

Modifying medical malpractice closed claim reporting requirements.

MOTION

On motion of Senator Berkey, Substitute Senate Bill No. 5263 was substituted for Senate Bill No. 5263 and the substitute bill was placed on the second reading and read the second time.

Senator Franklin spoke in favor of the substitute bill.

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MOTION

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5263 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5263.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5263 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yeas: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Pflug and Shin - 2

SUBSTITUTE SENATE BILL NO. 5263, 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. 5508, by Senators Kilmer, Zarelli, Hatfield, Schoesler, Holmquist, Kastama, Tom, Sheldon, Shin and Rasmussen

Providing for economic development project permitting.

The measure was read the second time.

MOTION

Senator Kilmer moved that the following striking amendment by Senator Kilmer be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that permit programs have been legislatively established to protect the health, welfare, economy, and environment of Washington's citizens and to provide a fair, competitive opportunity for business innovation and consumer confidence. The legislature also finds that uncertainty in government processes to permit an activity by a citizen of Washington state is undesirable and erodes confidence in government. The legislature further finds that in the case of projects that would further economic development in the state, information about the permitting process is critical for an applicant's planning and financial assessment of the proposed project. The legislature also finds that applicants have a responsibility to provide complete and accurate information.

(2) The legislature recommends that applicants be provided with the following information when applying for a development permit from a city, county, or state agency:

(a) The minimum and maximum time an agency will need to make a decision on a permit, including public comment requirements;

(b) The minimum amount of information required for an agency to make a decision on a permit;

(c) When an agency considers an application complete for processing;

(d) The minimum and maximum costs in agency fees that will be incurred by the permit applicant; and

(e) The reasons for a denial of a permit in writing.

(3) In providing this information to applicants, an agency should base estimates on the best information available about the permitting program and prior applications for similar permits, as well as on the information provided by the applicant. New information provided by the applicant subsequent to the agency estimates may change the information provided by an agency per subsection (2) of this section. Project modifications by an applicant may result in more time, more information, or higher fees being required for permit processing.

(4) This section does not create an independent cause of action, affect any existing cause of action, or establish time limits for purposes of RCW 64.40.020.

(5) City, county, and state agencies issuing development permits are encouraged to track the progress in providing the information to applicants per subsection (2) of this section by preparing an annual report of its performance for the preceding fiscal year. The report should be posted on its web site made available and provided to the appropriate standing committees of the senate and house of representatives.

Sec. 2. RCW 43.155.070 and 2001 c 131 s 5 are each amended to read as follows:

(1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a capital facility plan; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 must have adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a loan or loan guarantee under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a loan or loan guarantee under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a loan or loan guarantee.

(3) In considering awarding loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, the board shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(c) Whether the applicant has a good record of providing information to those applying for development permits consistent with section 1(2) of this act;

(d) The cost of the project compared to the size of the local government and amount of loan money available;

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~~((f))~~ (e) The number of communities served by or funding the project;

~~((e))~~ (f) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

~~((f))~~ (g) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

~~((g))~~ (h) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

~~((h))~~ (i) Other criteria that the board considers advisable.

(5) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before November 1 of each year, the board shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(7) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

(8) Subsection (7) of this section does not apply to loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section.

(9) Loans made for the purpose of capital facilities plans shall be exempted from subsection (7) of this section.

(10) To qualify for loans or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

Sec. 3. RCW 43.160.060 and 2004 c 252 s 3 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state and to federally recognized Indian tribes for the purposes of assisting the political subdivisions and federally recognized Indian tribes in financing the cost of public facilities, including development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility, and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; as well as the construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision or the federally recognized Indian tribe and the finding by the board that financial circumstances require grant assistance to enable the project to move forward. However, at least ten percent of all financial assistance provided

by the board in any biennium shall consist of grants to political subdivisions and federally recognized Indian tribes.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not provide financial assistance:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(d) For a project the primary purpose of which is to facilitate or promote gambling.

(2) The board shall only provide financial assistance:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, advanced technology, research and development, and industrial distribution; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; (iv) which support the relocation of businesses from nondistressed urban areas to rural counties or rural natural resources impact areas; or (v) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made.

(3) The board shall prioritize each proposed project according to:

(a) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located; ~~(and)~~

(b) The rate of return of the state's investment, that includes the expected increase in state and local tax revenues associated with the project; and

(c) Whether the applicant has a good record of providing information to those applying for development permits consistent with section 1(2) of this act.

(4) A responsible official of the political subdivision or the federally recognized Indian tribe shall be present during board deliberations and provide information that the board requests.

Before any financial assistance application is approved, the political subdivision or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Sec. 4. RCW 39.102.040 and 2006 c 181 s 202 are each amended to read as follows:

(1) Prior to applying to the board to use local infrastructure financing, a sponsoring local government shall:

(a) Designate a revenue development area within the limitations in RCW 39.102.060;

(b) Certify that the conditions in RCW 39.102.070 are met;

(c) Complete the process in RCW 39.102.080;

(d) Provide public notice as required in RCW 39.102.100; and

(e) Pass an ordinance adopting the revenue development area as required in RCW 39.102.090.

(2) Any local government that has created an increment area under chapter 39.89 RCW that has not issued bonds to finance

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any public improvement shall be considered a revenue development area under this chapter without creating a new increment area under RCW 39.102.090 and 39.102.100 if it amends its ordinance to comply with RCW 39.102.090(1) and otherwise meets the conditions and limitations under this chapter.

(3) As a condition to imposing a sales and use tax under RCW 82.14.475, a sponsoring local government, including any cosponsoring local government seeking authority to impose a sales and use tax under RCW 82.14.475, must apply to the board and be approved for a project award amount. The application shall be in a form and manner prescribed by the board and include but not be limited to information establishing that the applicant is an eligible candidate to impose the local sales and use tax under RCW 82.14.475, the anticipated effective date for imposing the tax, the estimated number of years that the tax will be imposed, and the estimated amount of tax revenue to be received in each fiscal year that the tax will be imposed. The board shall make available forms to be used for this purpose. As part of the application, each applicant must provide to the board a copy of the ordinance or ordinances creating the revenue development area as required in RCW 39.102.090. A notice of approval to use local infrastructure financing shall contain a project award that represents the maximum amount of state contribution that the applicant, including any cosponsoring local governments, can earn each year that local infrastructure financing is used. The total of all project awards shall not exceed the annual state contribution limit. The determination of a project award shall be made based on information contained in the application and the remaining amount of annual state contribution limit to be awarded. Determination of a project award by the board is final.

(4) Sponsoring local governments, and any cosponsoring local governments, must submit completed applications to the board no later than July 1, 2007. By September 15, 2007, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve qualified projects, up to the annual state contribution limit. Except as provided in RCW 39.102.050, approvals shall be based on the following criteria:

(a) The project potential to enhance the sponsoring local government's regional and/or international competitiveness;

(b) The project's ability to encourage mixed use development and the redevelopment of a geographic area;

(c) Whether the applicant has a good record of providing information to those applying for development permits consistent with section 1(2) of this act;

(d) Achieving an overall distribution of projects statewide that reflect geographic diversity;

~~((d))~~ (e) The estimated wages and benefits for the project is greater than the average labor market area;

~~((e))~~ (f) The estimated state and local net employment change over the life of the project;

~~((f))~~ (g) The estimated state and local net property tax change over the life of the project; and

~~((g))~~ (h) The estimated state and local sales and use tax increase over the life of the project.

(5) A revenue development area is considered created when the sponsoring local government, including any cosponsoring local government, has adopted an ordinance creating the revenue development area and the board has approved the sponsoring local government to use local infrastructure financing. If a sponsoring local government receives approval from the board after the fifteenth day of October to use local infrastructure financing, the revenue development area is considered created in the calendar year following the approval. Once the board has approved the sponsoring local government, and any cosponsoring local governments, to use local infrastructure financing, notification shall be sent to the sponsoring local government, and any cosponsoring local governments, authorizing the sponsoring local government, and any cosponsoring local governments, to impose the local sales and use tax authorized under RCW 82.14.475, subject to the conditions in RCW 82.14.475.

Sec. 5. RCW 43.160.230 and 2005 c 425 s 2 are each amended to read as follows:

(1) The job development fund program is created to provide grants for public infrastructure projects that will stimulate job creation or assist in job retention. The program is to be administered by the board. The board shall establish a competitive process to request and prioritize proposals and make grant awards.

(2) For the purposes of chapter 425, Laws of 2005, "public infrastructure projects" has the same meaning as "public facilities" as defined in RCW 43.160.020(11).

(3) The board shall conduct a statewide request for project applications. The board shall apply the following criteria for evaluation and ranking of applications:

(a) The relative benefits provided to the community by the jobs the project would create, including, but not limited to: (i) The total number of jobs; (ii) the total number of full-time, family wage jobs; (iii) the unemployment rate in the area; and (iv) the increase in employment in comparison to total community population;

(b) The present level of economic activity in the community and the existing local financial capacity to increase economic activity in the community;

(c) Whether the applicant has a good record of providing information to those applying for development permits consistent with section 1(2) of this act;

~~((d))~~ (d) The rate of return of the state's investment, that includes the expected increase in state and local tax revenues associated with the project;

~~((d))~~ (e) The lack of another timely source of funding available to finance the project which would likely prevent the proposed community or economic development, absent the financing available under chapter 425, Laws of 2005;

~~((e))~~ (f) The ability of the project to improve the viability of existing business entities in the project area;

~~((f))~~ (g) Whether or not the project is a partnership of multiple jurisdictions;

~~((g))~~ (h) Demonstration that the requested assistance will directly stimulate community and economic development by facilitating the creation of new jobs or the retention of existing jobs; and

~~((h))~~ (i) The availability of existing assets that applicants may apply to projects.

(4) Job development fund program grants may only be awarded to those applicants that have entered into or expect to enter into a contract with a private developer relating to private investment that will result in the creation or retention of jobs upon completion of the project. Job development fund program grants shall not be provided for any project where:

(a) The funds will not be used within the jurisdiction or jurisdictions of the applicants; or

(b) Evidence exists that the project would result in a development or expansion that would displace existing jobs in any other community in the state.

(5) The board shall, with the joint legislative audit and review committee, develop performance criteria for each grant and evaluation criteria to be used to evaluate both how well successful applicants met the community and economic development objectives stated in their applications, and how well the job development fund program performed in creating and retaining jobs.

Sec. 6. RCW 43.42.010 and 2003 c 71 s 2 are each amended to read as follows:

(1) The office of regulatory assistance is created in the office of financial management and shall be administered by the office of the governor to assist citizens, businesses, and project applicants.

(2) The office shall:

(a) Maintain and furnish information as provided in RCW 43.42.040;

(b) Furnish facilitation as provided in RCW 43.42.050;

(c) Furnish coordination as provided in RCW 43.42.060;

(d) Coordinate cost reimbursement as provided in RCW 43.42.070;

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(e) Work with state agencies and local governments to continue to develop a range of permit assistance options for project applicants;

(f) ~~(Review initiatives developed by the transportation permit efficiency and accountability committee established in chapter 47.06C RCW and determine if any would be beneficial if implemented for other types of projects)~~ Help local jurisdictions comply with the requirements of RCW 36.70B.080 by:

(i) Providing information about best practices and compliance with the requirements of RCW 36.70B.080; and

(ii) Providing technical assistance in reducing the turnaround time between submittal of an application for a development permit and the issuance of the permit;

(g) Work to develop informal processes for dispute resolution between agencies and permit applicants;

(h) Conduct customer surveys to evaluate its effectiveness; and

(i) Provide the following biennial reports to the governor and the appropriate committees of the legislature:

(i) A performance report, based on the customer surveys required in (h) of this subsection;

(ii) A report on any statutory or regulatory conflicts identified by the office in the course of its duties that arise from differing legal authorities and roles of agencies and how these were resolved. The report may include recommendations to the legislature and to agencies; and

(iii) A report regarding use of outside independent consultants under RCW 43.42.070, including the nature and amount of work performed and implementation of requirements relating to costs.

(3) A director of the office shall be hired no later than June 1, 2003.

(4) The office shall give priority to furnishing assistance to small projects when expending general fund moneys allocated to it.

Sec. 7. RCW 43.131.401 and 2003 c 71 s 5 are each amended to read as follows:

The office of regulatory assistance established in RCW 43.42.010 and its powers and duties shall be terminated June 30, ~~(2007)~~ 2011, as provided in RCW 43.131.402.

Sec. 8. RCW 43.131.402 and 2003 c 71 s 6 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~(2008)~~ 2012:

(1) RCW 43.42.005 and 2003 c 71 s 1 & 2002 c 153 s 1;

(2) RCW 43.42.010 and section 6 of this act, 2003 c 71 s 2, & 2002 c 153 s 2;

(3) RCW 43.42.020 and 2002 c 153 s 3;

(4) RCW 43.42.030 and 2003 c 71 s 3 & 2002 c 153 s 4;

(5) RCW 43.42.040 and 2003 c 71 s 4 & 2002 c 153 s 5;

(6) RCW 43.42.050 and 2002 c 153 s 6;

(7) RCW 43.42.060 and 2002 c 153 s 7;

(8) RCW 43.42.070 and 2002 c 153 s 8;

(9) RCW 43.42.905 and 2002 c 153 s 10;

(10) RCW 43.42.900 and 2002 c 153 s 11; and

(11) RCW 43.42.901 and 2002 c 153 s 12.

NEW SECTION. Sec. 9. The sum of forty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2008, from the general fund to the office of regulatory assistance, created within the office of financial management under RCW 43.42.010, for the purposes of section 6 of this act.

NEW SECTION. Sec. 10. Section 4 of this act expires June 30, 2039.

NEW SECTION. Sec. 11. Section 5 of this act expires June 30, 2011."

Senator Kilmer spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kilmer to Senate Bill No. 5508.

The motion by Senator Kilmer carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "permitting;" strike the remainder of the title and insert "amending RCW 43.155.070, 43.160.060, 39.102.040, 43.160.230, 43.42.010, 43.131.401, and 43.131.402; creating a new section; making an appropriation; and providing expiration dates."

MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Senate Bill No. 5508 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5508.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5508 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Pflug and Shin - 2

ENGROSSED SENATE BILL NO. 5508, 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 10:03 a.m., on motion of Senator Eide, the Senate was declared to be at ease for the purpose of caucuses.

The Senate was called to order at 10:45 a.m. by President Owen.

SECOND READING

SENATE BILL NO. 5497, by Senators McAuliffe, Holmquist, Rasmussen, Oemig, Pridemore, Zarelli, Weinstein, Eide, Hobbs, Keiser, Fraser, Hewitt, Tom, Kauffman, Clements, Hargrove, Kilmer, Franklin, Kohl-Welles and Shin

Authorizing a statewide program for comprehensive dropout prevention, intervention, and retrieval.

MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 5497 was substituted for Senate Bill No. 5497 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe and Holmquist be adopted:

Strike everything after the enacting clause and insert the following:

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"NEW SECTION. Sec. 1. It is the intent of the legislature that increasing academic success and increasing graduation rates be dual goals for the K-12 system. The legislature finds that only seventy-four percent of the class of 2005 graduated on time. Students of color, students living in poverty, students in foster care, students in the juvenile justice system, students who are homeless, students for whom English is not their primary language, and students with disabilities have lower graduation rates than the average. The legislature further finds that students who drop out experience more frequent occurrences of early pregnancy, delinquency, substance abuse, and mental health issues, and have greater need of publicly funded health and social services. The legislature further finds that helping all students be successful in school requires active participation in coordinating services from schools, parents, and other stakeholders and agencies in the local community. The legislature finds that existing resources to vulnerable youth are used more efficiently and effectively when there is significant coordination across local and state entities. The legislature further finds that efficiency and accountability of the K-12 system would be improved by creating a dropout prevention and intervention grant program that implements research-based and emerging best practices and evaluates results.

NEW SECTION. Sec. 2. Subject to the availability of funds appropriated for this purpose, the office of the superintendent of public instruction shall create a grant program to local partnerships of schools, families, and communities to begin the phase in of a statewide comprehensive dropout prevention, intervention, and retrieval system. This program shall be known as the building bridges program. For purposes of sections 2 through 7 of this act, a "building bridges program" means a local partnership of schools, families, and communities that provides all of the following programs or activities:

(1) A system that identifies individual students at risk of dropping out from middle through high school based on local predictive data, including state assessment data starting in the fourth grade, and provides timely interventions for such students and for dropouts, including a plan for educational success as already required by the student learning plan as defined under RCW 28A.655.061. Students identified shall include students in special education, foster care youth, and youth involved in the juvenile justice system;

(2) Coaches or mentors for students as necessary;

(3) Staff responsible for coordination of community partners that provide a seamless continuum of academic and nonacademic support in schools and communities;

(4) Retrieval or reentry activities; and

(5) Alternative educational programming, including, but not limited to, career and technical education preparatory programs and online learning opportunities.

NEW SECTION. Sec. 3. The office of the superintendent of public instruction shall:

(1) Identify criteria for grants and evaluate proposals for funding in consultation with the workforce training and education coordinating board;

(2) Develop and monitor requirements for grant recipients to:

(a) Identify eligible students, including students who both fail the Washington assessment of student learning and drop out of school;

(b) Identify their own strengths and gaps in services provided to youth;

(c) Set their own local goals for program outcomes;

(d) Use research-based and emerging best practices that lead to positive outcomes in implementing the building bridges program; and

(e) Coordinate an outreach campaign to bring public and private organizations together and to provide information about the building bridges program to the local community;

(3) In setting the requirements under subsection (2) of this section, encourage creativity and provide for flexibility in implementing the local building bridges program;

(4) Identify and disseminate successful practices;

(5) Develop requirements for grant recipients to collect and report data, including, but not limited to:

(a) The number of and demographics of students served including, but not limited to, information regarding a student's race and ethnicity, a student's household income, a student's housing status, whether a student is a foster or youth involved in the juvenile justice system, whether a student is disabled, and the primary language spoken at a student's home;

(b) Washington assessment of student learning scores;

(c) Dropout rates;

(d) On-time graduation rates;

(e) Extended graduation rates;

(f) Credentials obtained;

(g) Absenteeism rates;

(h) Truancy rates; and

(i) Credit retrieval;

(6) Contract with a third party to evaluate the infrastructure and implementation of the partnership including the leveraging of outside resources that relate to the goal of the partnership; and

(7) Report to the legislature by December 1, 2008.

NEW SECTION. Sec. 4. In awarding the grants under section 3 of this act, the office of the superintendent of public instruction shall prioritize schools or districts with dropout rates and truancy rates above the statewide average and shall attempt to award building bridges program grants to different geographic regions of the state. Eligible recipients shall be one of the following entities acting as a lead agency for the local partnership: A school district, a tribal school, an area workforce development council, an educational service district, an accredited institution of higher education, a vocational skills center, a federally recognized tribe, a community organization, or a nonprofit 501(c)(3) corporation. If the recipient is not a school district, at least one school district must be identified within the partnership.

NEW SECTION. Sec. 5. To be eligible for a grant under section 3 of this act, grant applicants shall:

(1) Build or demonstrate a commitment to building a broad-based partnership of schools, families, and community members to provide an effective and efficient building bridges program. The partnership shall consider an effective model for school-community partnerships and include local membership from, but not limited to, school districts, tribal schools, secondary career and technical education programs, skill centers that serve the local community, an educational service district, the area workforce development council, accredited institutions of higher education, tribes or other cultural organizations, the parent teacher association, the juvenile court, prosecutors and defenders, the local health department, health care agencies, public transportation agencies, local division representatives of the department of social and health services, businesses, city or county government agencies, civic organizations, and appropriate youth-serving community-based organizations. Interested parents and students shall be actively included whenever possible;

(2) Demonstrate how the grant will enhance any dropout prevention and intervention programs and services already in place in the district;

(3) Provide a twenty-five percent match that may include in-kind resources from within the partnership;

(4) Track and report data required by the grant; and

(5) Describe how the dropout prevention, intervention, and retrieval system will be sustained after initial funding, including roles of each of the partners.

NEW SECTION. Sec. 6. Educational service districts, in collaboration with area workforce development councils, shall:

(1) Provide training to local partnerships established under a grant awarded under section 3 of this act on subjects such as cultural competency, identifying diverse learning styles, and collecting and using performance data;

(2) Assist school districts and their partners in identifying effective intervention strategies for students at risk for dropping out; and

(3) Provide training to assist in the design of functional sustainability plans including the identification of potential funding sources for future operation.

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NEW SECTION. Sec. 7. (1) The office of the superintendent of public instruction shall establish a state-level work group that includes K-12 and state agencies that work with youth who have dropped out or are at risk of dropping out of school. The state-level leadership group shall consist of one representative from each of the following agencies and organizations: The workforce training and education coordinating board; career and technical education including skill centers; relevant divisions of the department of social and health services; the juvenile courts; the Washington association of prosecuting attorneys; the Washington state office of public defense; the employment security department; accredited institutions of higher education; the educational service districts; the area workforce development councils; parent and educator associations; associations representing students in special education; the department of health; local school districts; community organizations serving youth; federally recognized tribes and urban tribal centers; and the minority commissions.

(2) To assist and enhance the work of the building bridges programs established in section 5 of this act, the state-level work group shall:

(a) Identify and make recommendations to the legislature for the reduction of fiscal, legal, and regulatory barriers that prevent coordination of program resources across agencies at the state and local level;

(b) Develop and track performance measures and benchmarks for each partner agency or organization across the state; and

(c) Identify research-based and emerging best practices regarding prevention, intervention, and retrieval programs.

(3) The work group shall report to the legislature and the governor on an annual basis beginning December 1, 2007, with recommendations for implementing emerging best practices, needed additional resources, and eliminating barriers.

NEW SECTION. Sec. 8. Sections 2 through 7 of this act are each added to chapter 28A.175 RCW."

Senators McAuliffe and Holmquist spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Holmquist to Substitute Senate Bill No. 5497.

The motion by Senator McAuliffe carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "retrieval;" strike the remainder of the title and insert "adding new sections to chapter 28A.175 RCW; and creating a new section."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 5497 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Holmquist and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5497.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5497 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Pflug and Shin - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5497, 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. 5336, by Senators Murray, Kohl-Welles, Fairley, Prentice, Regala, Oemig, Tom, Kline, Hobbs, Pridemore, Keiser, Berkey, Franklin, Brown, Weinstein, Rockefeller, Poulsen, Fraser, Jacobsen, Spanel and McAuliffe

Protecting individuals in domestic partnerships by granting certain rights and benefits.

MOTION

On motion of Senator Murray, Substitute Senate Bill No. 5336 was substituted for Senate Bill No. 5336 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 33, after line 18, insert the following:

"NEW SECTION. Sec. 34. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

On page 1, line 8 of the title, after "70.58 RCW;" strike the remainder of the title and insert "adding a new chapter to Title 26 RCW; and providing for submission of this act to a vote of the people."

Senator Benton spoke in favor of adoption of the amendment.

POINT OF ORDER

Senator Murray: "Mr. President, the underlying bill deals with the issue of domestic partnership. It does not deal with the issue of marriage. I'd ask that the member speak to the issue before us."

REMARKS BY THE PRESIDENT

President Owen: "Senator Benton."

Senator Benton spoke in favor of adoption of the amendment.

Senator Murray spoke against adoption of the amendment.

Senator Benton demanded a roll call.

The President declared that one-sixth of the Senate support the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 33, line 18 to Substitute Senate Bill No. 5336.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Benton and the amendment was not

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adopted by the following vote: Yeas, 18; Nays, 29; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 18

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Spanel, Tom and Weinstein - 29

Excused: Senators Pflug and Shin - 2

MOTION

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 5336 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray spoke in favor of passage of the bill.
Senator Stevens spoke against passage of the bill.

POINT OF ORDER

Senator Murray: "The citizens of this state should not be described with those derogatory terms. She's not speaking to the bill."

REPLY BY THE PRESIDENT

President Owen: "Senator Stevens, you are drifting a little way from the bill. The President would appreciate it if you'd bring your remarks relative to the bill."

POINT OF ORDER

Senator Eide: "We need to discuss the bill. This is going way off to another direction. Please, Mr. President, we need to continue to discuss the bill."

REPLY BY THE PRESIDENT

President Owen: "The President believes that there is discretion for a person to give their opinion on which direction a bill is going, however, Senator Stevens, it is important by your own rules, that you discuss, specifically, the bill before you."

Senator Hargrove spoke on passage of the bill.

Senators Weinstein, Franklin, Brown, Kohl-Welles and Haugen spoke in favor of passage of the bill.

Senators Swecker, Benton and Rasmussen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5336.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5336 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Spanel, Tom and Weinstein - 28

Voting nay: Senators Benton, Carrell, Clements, Delvin, Hargrove, Hatfield, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Rasmussen, Roach, Schoesler, Sheldon,

Stevens, Swecker and Zarelli - 19

Excused: Senators Pflug and Shin - 2

SUBSTITUTE SENATE BILL NO. 5336, 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.

STATEMENT FOR THE JOURNAL

Senator Pflug: I was unable to attend the Senate floor session on Thursday, March 1 primarily due to illness. In addition the significant amount of snowfall around my home prevented me from traveling to Olympia on that day. My unavoidable absence resulted in my missing votes on the following measures: SB 5088, SSB 5263, SSB 5336, ESSB 5497 AND ESB 5508.

SENATOR PFLUG, 5th Legislative District

MOTION

On motion of Senator Eide, Substitute Senate Bill No. 5336 was immediately transmitted to the House of Representatives.

MOTION

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

MOTION

Senator Franklin moved adoption of the following resolution:

SENATE RESOLUTION 8640

By Senator Franklin

WHEREAS, The Red Hat Society was founded in 1998 by Sue Ellen Cooper of Fullerton, California, as a social "disorganization" for women 50 years and older; and

WHEREAS, Sue Ellen Cooper was inspired by Warning, a poem by Jenny Joseph that opens with the line "When I am an old woman I shall wear purple/With a red hat that doesn't go and doesn't suit me"; and

WHEREAS, The Red Hat Society was created as a social outlet for women at least 50 years old; and

WHEREAS, Members of The Red Hat Society who are 50 years or older wear a red hat and purple attire and members younger than 50 wear pink hats and lavender clothing until their "Reduation"; and

WHEREAS, The motto of The Red Hat Society is "Red Hatters Matter," to promote the value of older women in society and reshape the way they are viewed in today's culture; and

WHEREAS, Women of The Red Hat Society are from all areas of life: Mothers, grandmothers, homemakers, entrepreneurs, teachers, retirees, and senators, as well as women who are single, married, or widowed; and

WHEREAS, There are more than one million members of The Red Hat Society worldwide; and

WHEREAS, Leaders of individual chapters obtain the title "Queen Mum" and the members are referred to as "Red Hatters"; and

WHEREAS, March 1st is Red Hat Day at the legislature;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate Red Hat Day and that its members celebrate womanhood by having fun; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the Washington State Senate and the Lakewood and Puyallup chapters of The Red Hat Society.

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Senator Franklin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8640.

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

MOTION

At 12:09 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, March 2, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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