

**SIXTEENTH DAY**

## NOON SESSION

Senate Chamber, Olympia, January 25, 2005

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

## 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

January 20, 2005

SB 5006 Prime Sponsor, Jacobsen: Concerning the sale of aquaculture products produced on leased state-owned aquatic land. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

January 20, 2005

SB 5007 Prime Sponsor, Jacobsen: Concerning the relocation of harbor lines. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove, Morton, Oke, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

January 24, 2005

SB 5151 Prime Sponsor, Franklin: Changing the authority of a metropolitan park district to dispose of surplus property. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5151 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

January 24, 2005

SB 5168 Prime Sponsor, Hargrove: Authorizing members of legislative bodies to serve as volunteer ambulance personnel. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

January 24, 2005

SB 5363 Prime Sponsor, Kastama: Authorizing additional sales tax authority for public facilities districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, Mulliken, Pridemore and Roach

Passed to Committee on Ways & Means.

## 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.

JOURNAL OF THE SENATE  
MESSAGES FROM THE STATE OFFICES

January 21, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Agriculture, Audit Report on Livestock Nutrient Management Program. This report is mandated under RCW 90.64.

If you have any questions about the report, please call Leslie Emerick at 902-1850.

Sincerely,  
Valoria Loveland, Director

The Department of Agriculture, Audit Report on Livestock Nutrient Management Program is on file in the Office of the Secretary of the Senate.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5420 by Senators Regala, Swecker, Haugen, Delvin, Jacobsen, Rasmussen, McAuliffe and Kohl-Welles

AN ACT Relating to children on motorcycles; and amending RCW 46.37.530.

Referred to Committee on Transportation.

SB 5421 by Senators Haugen, Swecker, Jacobsen, Kastama, Poulsen, Spanel, Shin and Rasmussen

AN ACT Relating to identification of bus stop and crosswalk needs in comprehensive plans; and amending RCW 36.70A.070.

Referred to Committee on Transportation.

SB 5422 by Senators Haugen, Kastama, Berkey and Shin

AN ACT Relating to research and services for special purpose districts; adding new sections to chapter 43.110 RCW; and making appropriations.

Referred to Committee on Government Operations & Elections.

SB 5423 by Senators Haugen and Swecker

AN ACT Relating to special license plates; amending RCW 46.16.385, 46.16.690, 46.16.745, and 46.16.755; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

SB 5424 by Senators Haugen, Swecker, Jacobsen, Hargrove and Doumit

AN ACT Relating to the "Washington Lighthouses" special license plate; reenacting and amending RCW 46.16.313; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 5425 by Senators Haugen, Berkey, Kohl-Welles, Shin, Rasmussen, Jacobsen and Schmidt

AN ACT Relating to creating a new institution of higher education in northern Snohomish county; amending RCW 28A.600.300, 28B.10.016, 28B.10.020, 28B.10.022, 28B.10.025, 28B.10.050, 28B.10.140, 28B.10.265, 28B.10.280, 28B.10.300, 28B.10.350, 28B.10.400, 28B.10.401, 28B.10.405, 28B.10.407, 28B.10.410, 28B.10.415, 28B.10.417, 28B.10.420, 28B.10.485, 28B.10.487, 28B.10.500, 28B.10.550, 28B.10.560, 28B.10.567, 28B.15.628, 28B.15.725, 28B.15.730, 28B.15.740, 28B.15.750, 28B.15.756, 28B.15.820, 28B.15.910, 28B.15.915, 28B.35.370, 28B.35.700, 28B.35.710, 28B.35.790, 28B.40.010, 28B.65.030, 28B.76.020, 28B.76.100, 28B.110.020, 34.05.010, 39.19.020, 39.90.060, 40.04.040, 40.04.090, 40.06.040, 41.04.340, 41.06.020, 41.40.108, 41.56.030, 41.76.005, 41.80.005, 43.19.450, 43.41.040, 43.79.150, 43.84.092, 43.88.195, 46.63.040, and 82.12.0264; reenacting and

amending RCW 42.17.2401 and 43.84.092; adding a new chapter to Title 28B RCW; creating a new section; providing an effective date; and providing an expiration date.

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

SB 5426 by Senators Carrell, Hargrove, Benson and Sheldon

AN ACT Relating to decreasing truancy and dropouts; amending RCW 28A.225.010; adding a new section to chapter 28A.150 RCW; and creating a new section.

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

SB 5427 by Senators Carrell, Esser, Hargrove, Stevens, McAuliffe, Zarelli, Benson, Finkbeiner, Morton, Johnson, Honeyford, Mulliken and Berkey

AN ACT Relating to combination fishing licenses for senior citizens; and amending RCW 77.32.490.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5428 by Senators Carrell, Schoesler and Benson

AN ACT Relating to correctional programs, facilities, and institutions on the grounds of a state hospital; adding a new section to chapter 72.09 RCW; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5429 by Senators Carrell, Berkey, Schoesler, Rasmussen, Hargrove, Pflug, Johnson, Benson, Esser, Morton, Franklin, Honeyford, Shin and Stevens

AN ACT Relating to offender risk assessments; amending RCW 9.94A.501; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5430 by Senators Hargrove and Rasmussen

AN ACT Relating to transfers from the accident fund to the public safety and education account for purposes of the crime victims' compensation program; creating a new section; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5431 by Senators Spanel, Rockefeller, Pridemore, Poulsen, Kohl-Welles, Doumit, Regala, Fraser and Kline

AN ACT Relating to managing on-site sewage systems in marine areas; amending RCW 70.118.010, 70.118.020, 43.20.050, 90.48.264, 90.72.030, 54.16.310, 85.08.905, and 36.36.040; adding new sections to chapter 70.118 RCW; and adding a new section to chapter 57.08 RCW.

Referred to Committee on Water, Energy & Environment.

SB 5432 by Senators Spanel, Swecker, Poulsen, Doumit, Regala, Rockefeller, Pridemore, Haugen, Kohl-Welles, Fraser, Jacobsen, Shin and Kline

AN ACT Relating to the oil spill monitoring and oversight council; amending RCW 90.56.005; and adding new sections to chapter 90.56 RCW.

Referred to Committee on Water, Energy & Environment.

SB 5433 by Senators Kline, Hargrove and Carrell

AN ACT Relating to the membership of the commission on judicial conduct; amending RCW 2.64.020; and providing a contingent effective date.

Referred to Committee on Judiciary.

SB 5434 by Senators Kline, Esser, Hargrove, Johnson, Carrell and Kohl-Welles

AN ACT Relating to hearings for antiharassment protection orders; and amending RCW 10.14.070.

Referred to Committee on Judiciary.

SB 5435 by Senators Kline, Esser and Johnson

AN ACT Relating to jurisdiction for antiharassment protection orders; and amending RCW 10.14.150 and 10.14.160.

Referred to Committee on Judiciary.

SB 5436 by Senators Haugen, Delvin, Eide, Shin and Rasmussen

AN ACT Relating to proceedings for violations of commercial motor vehicle laws, rules, and orders; and amending RCW 46.32.100.

Referred to Committee on Transportation.

SB 5437 by Senators Doumit, Swecker, Jacobsen, Oke and Shin

AN ACT Relating to construction of bridges and trestles; and amending RCW 79.91.100.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5438 by Senators Roach, Swecker, Delvin, Oke and Kohl-Welles

AN ACT Relating to authorized emergency vehicles; and amending RCW 46.37.194.

Referred to Committee on Transportation.

SB 5439 by Senators Roach, Swecker, Delvin, Sheldon, Parlette and Kohl-Welles

AN ACT Relating to background checks on gubernatorial appointees; and adding a new section to chapter 43.06 RCW.

Referred to Committee on Government Operations & Elections.

SB 5440 by Senators Eide, Franklin, Poulsen, Fraser, Keiser, Berkey, Shin, Rasmussen, McAuliffe and Kohl-Welles

AN ACT Relating to revising excise tax provisions to encourage small business; amending RCW 82.32.030, 82.04.4451, and 82.32.045; providing an effective date; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5441 by Senators Weinstein, McAuliffe, Prentice, Kohl-Welles, Eide, Berkey, Poulsen, Keiser, Brown, Fraser, Shin, Haugen, Schmidt, Kline, Rockefeller, Spanel and Rasmussen

AN ACT Relating to studying early learning, K-12, and higher education; creating new sections; providing an expiration date; and declaring an emergency.

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

SB 5442 by Senators Poulsen, Keiser, Pflug, Fraser, Shin, Haugen, Franklin, Parlette, Rasmussen, McAuliffe and Kohl-Welles

AN ACT Relating to establishing a task force on long-term care financing and chronic care management; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5443 by Senators Rasmussen, Schmidt, Franklin, Prentice, Berkey, Keiser, Fraser, Poulsen, Kastama, Finkbeiner, Esser, Shin, Haugen, Rockefeller, McAuliffe, Oke and Kohl-Welles

AN ACT Relating to a property tax exemption for widows or widowers of honorably discharged veterans; amending RCW 84.36.379, 84.36.383, 84.36.385, 84.36.387, and 84.36.389; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5444 by Senators Jacobsen, Haugen and Brown

AN ACT Relating to the "Share the Road" special license plate to commemorate Cooper Jones; amending RCW 46.16.333; reenacting and amending RCW 46.16.313 and 43.59.150; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 5445 by Senators Kline, Pridemore, Esser, Brown, Finkbeiner, Jacobsen, Benson, Swecker, Spanel, Regala, Poulsen, Mulliken, Rockefeller, Rasmussen, Kohl-Welles and Weinstein

AN ACT Relating to regulation and cleanup of sites with mixed radioactive and hazardous wastes to provide clarification for interpretation of the cleanup priority act consistent with intent and policy of the cleanup priority act as passed by the voters in November 2004; amending RCW 70.105E.030; adding new sections to chapter 70.105E RCW; and creating a new section.

Referred to Committee on Water, Energy & Environment.

SB 5446 by Senators Kohl-Welles, Parlette, Franklin, Swecker, Brown and Schoesler

AN ACT Relating to licensing of soil scientists; adding a new section to chapter 18.220 RCW; adding a new chapter to Title 18 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

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

SB 5447 by Senators Prentice, Hewitt, Doumit, Honeyford, Mulliken and Rasmussen

AN ACT Relating to the excise taxation of fruit and vegetable processing and storage; amending RCW 82.08.820 and 82.12.820; reenacting and amending RCW 82.04.260; adding a new section to chapter 82.04 RCW; adding a new chapter to title 82 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5448 by Senators Poulsen, Swecker, Brown, Berkey, Delvin, Jacobsen, Kline, Brandland and Kohl-Welles

AN ACT Relating to community outreach regarding grizzly bears; creating new sections; and making an appropriation.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5449 by Senators Poulsen, Swecker, Pridemore, Kline, Fraser and Rockefeller

AN ACT Relating to providing the department of ecology with lien authority to facilitate the recovery of remedial action costs; amending RCW 70.105D.060; and adding a new section to chapter 70.105D RCW.

Referred to Committee on Water, Energy & Environment.

SB 5450 by Senators Thibaudeau, Oke, Brown, Mulliken, Keiser, Doumit, Prentice, Poulsen, Regala, Kline, Franklin, Parlette, Rockefeller, Spanel, McAuliffe, Kohl-Welles and Pflug

AN ACT Relating to mental health parity; amending RCW 48.21.240, 48.44.340, and 48.46.290; adding new sections to chapter 41.05 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding new sections to chapter 70.47 RCW; adding a new section to chapter 48.02 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5451 by Senators Keiser, Prentice, Doumit and Kohl-Welles

AN ACT Relating to excise taxation of certain cosmetic medical services; amending RCW 82.08.020; reenacting and amending RCW 82.04.050; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5452 by Senators Franklin, Fairley, Stevens, Roach, Benson, Regala, Kline, Rockefeller, Rasmussen and Kohl-Welles

AN ACT Relating to genetic testing as a condition of life insurance; adding a new section to chapter 48.23 RCW; and adding a new section to chapter 48.24 RCW.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

SB 5453 by Senators Delvin, Shin, Kline and Brandland

AN ACT Relating to civil immunity of radio and television broadcasting organizations participating in the Amber alert system; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

SB 5454 by Senators Hargrove, Kline, Delvin, Thibaudeau, Johnson, Shin, Stevens, Rockefeller and Kohl-Welles

AN ACT Relating to court operations; amending RCW 2.36.150, 3.50.135, 35.20.090, 2.14.010, 2.14.030, 3.58.030, 3.34.025, 3.46.090, 3.50.080, 3.58.010, 35.20.160, 3.62.050, 3.62.060, 4.12.090, 10.46.190, 12.12.030, 12.40.020, 26.12.240, 27.24.070, 36.18.012, 36.18.016, and 36.18.020; adding a new section to chapter 2.36 RCW; adding a new section to chapter 3.46 RCW; adding a

new section to chapter 3.50 RCW; adding a new section to chapter 3.58 RCW; adding a new section to chapter 35.20 RCW; adding a new section to chapter 3.62 RCW; and creating new sections.

Referred to Committee on Judiciary.

SB 5455 by Senator Mulliken

AN ACT Relating to downtown and neighborhood commercial district revitalization; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 43 RCW; and creating new sections.

Referred to Committee on International Trade & Economic Development.

SB 5456 by Senators Prentice, Esser, Spanel, Swecker and Pridemore

AN ACT Relating to failure to notify the one-number locator service when excavating near a transmission pipeline; amending RCW 19.122.055, 19.122.070, and 19.122.020; and prescribing penalties.

Referred to Committee on Water, Energy & Environment.

SB 5457 by Senators Esser, Kline, Weinstein, Prentice, Carrell, Johnson and Shin

AN ACT Relating to securing vehicle loads on public highways; amending RCW 46.61.655 and 46.63.020; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5458 by Senators Shin, Schmidt, Regala, Berkey and Jacobsen

AN ACT Relating to the surcharge for preservation of historical documents; and amending RCW 36.22.170.

Referred to Committee on Government Operations & Elections.

SB 5459 by Senators Shin, Schmidt, Berkey and Esser

AN ACT Relating to recorded instruments; and amending RCW 65.04.045 and 65.04.080.

Referred to Committee on Government Operations & Elections.

SB 5460 by Senators McAuliffe, Stevens, Hargrove, Carrell, Franklin, Keiser and Rasmussen

AN ACT Relating to family reconciliation services; and amending RCW 13.32A.040.

Referred to Committee on Human Services & Corrections.

SJR 8207 by Senators Kline, Esser, Hargrove, Carrell and Johnson

Changing the membership of the commission on judicial conduct.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5457 which was referred to the Committee on Judiciary.

MOTION

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

MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION  
8606

By Senators Rasmussen and Johnson

WHEREAS, Twenty percent of the nation's potatoes are produced in the state of Washington; and  
WHEREAS, Washington ranks second in the nation in the total production of potatoes and first in per-acre yield of potatoes; and

WHEREAS, Potatoes contribute to our trade balance and the overall health of the state's economy with over \$300 million of potatoes being exported annually through the ports in Tacoma and Seattle alone; and

WHEREAS, Potatoes represent the state's third largest agricultural commodity with a farm gate value of over \$500 million, and total value of processed potato products of \$2.5 billion; and

WHEREAS, Washington potato growers have won national awards for environmentally friendly and efficient use of water and fertilizers;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the men and women in the state of Washington who work to make the Washington potato industry successful; and

BE IT FURTHER RESOLVED, That the Washington State Senate recognize the contribution that this valuable industry makes to the strength and vitality of the state's economy and wishes to thank the Washington Potato Commission for the opportunity to sample the great WATATO (Yes, ladies and gentlemen, that's right WATATO) today on the Capitol Campus.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8606. Senators Rasmussen and Shin spoke in favor of adoption of the resolution.

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

MOTION

At 12:10 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, January 26, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate