

NINETEENTH DAY, FEBRUARY 1, 2008

2008 REGULAR SESSION

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 1, 2008

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Eide and Jacobsen.

The Sergeant at Arms Color Guard consisting of Pages Devyn Goodman and Andrew Highet, presented the Colors. Pastor Dwayne Deskins of the New Life Fellowship Church offered the prayer.

MOTION

On motion of Senator Marr, 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 31, 2008

SB 6196 Prime Sponsor, Senator Pridemore: Modifying definitions applicable to local infrastructure financing tool program demonstration projects. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

January 31, 2008

SB 6216 Prime Sponsor, Senator Prentice: Authorizing of the governor to enter into a cigarette tax contract with the Shoalwater Bay Tribe. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

January 31, 2008

SB 6270 Prime Sponsor, Senator Prentice: Providing for the enforcement of cigarette taxes through regulation of stamped and unstamped cigarettes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Fairley; Hatfield; Hobbs;

Honeyford; Keiser; Kohl-Welles; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

January 30, 2008

SB 6287 Prime Sponsor, Senator Marr: Prohibiting smoking in a motor vehicle when a child is in the motor vehicle. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley; Kohl-Welles and Marr.

MINORITY recommendation: Do not pass. Signed by Senator Pflug, Carrel and Parlette.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Kastama.

Passed to Committee on Rules for second reading.

January 28, 2008

SB 6376 Prime Sponsor, Senator McAuliffe: Regarding the basic education funding allocation for certificated instructional staff. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

MINORITY recommendation: Signed by Senators King and Holmquist.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Brandland.

Passed to Committee on Ways & Means.

January 31, 2008

SB 6389 Prime Sponsor, Senator Brown: Exempting certain military housing from property and leasehold excise taxes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6389 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli; Brandland; Carrell; Hatfield; Hobbs; Honeyford; Keiser; Oemig; Parlette; Rasmussen; Roach; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

January 31, 2008

SB 6414 Prime Sponsor, Senator Prentice: Authorizing a cigarette tax agreement between the state of Washington and the Yakama Nation. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

Passed to Committee on Ways & Means.

January 30, 2008

SB 6421 Prime Sponsor, Senator Pridemore: Providing medical coverage for smoking cessation programs. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Ways & Means.

January 30, 2008

SB 6448 Prime Sponsor, Senator Marr: Providing for intensive behavior support services for children with developmental disabilities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr and Parlette.

Passed to Committee on Ways & Means.

January 28, 2008

SB 6453 Prime Sponsor, Senator Tom: Clarifying the timeline for release of education records to the department of social and health services. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6453 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King; Brandland; Eide; Holmquist; Kauffman; McDermott; Rasmussen; Weinstein and Zarelli.

Passed to Committee on Rules for second reading.

January 28, 2008

SB 6454 Prime Sponsor, Senator Tom: Creating programs to improve educational outcomes for students in foster care. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6454 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator and King.

Passed to Committee on Ways & Means.

January 29, 2008

SB 6481 Prime Sponsor, Senator Benton: Excluding the value of rebates from sales and use taxation. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6481 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton; Franklin; Parlette; Prentice and Schoesler.

January 28, 2008

SB 6549 Prime Sponsor, Senator McAuliffe: Creating the sustainable environment culminating project grant program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6549 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide; Hobbs; Kauffman; McDermott; Oemig; Rasmussen and Weinstein.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator King.

Passed to Committee on Ways & Means.

January 31, 2008

SB 6641 Prime Sponsor, Senator Regala: Providing that voter-approved increases in property tax levy limitations for a multiyear period of up to six years do not permanently increase a taxing district's levy base, unless otherwise provided in the ballot proposition. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

January 31, 2008

SB 6695 Prime Sponsor, Senator Weinstein: Concerning distressed home transactions. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6695 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Honeyford; Delvin; Haugen; Jacobsen and Kilmer.

Passed to Committee on Rules for second reading.

MOTION

On motion of Marr, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6481 which was referred to the Committee on Ways & Means.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6899 by Senators Rockefeller, Haugen, Oemig, Shin, Kilmer and Rasmussen

AN ACT Relating to limiting the rate of increase of property valuations; amending RCW 84.04.030, 84.40.020, 84.40.030, 84.40.040, 84.40.045, 84.41.041, 84.48.010, 84.48.065, 84.48.075, 84.48.080, 84.12.280, 84.12.310,

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84.12.330, 84.12.350, 84.12.360, 84.16.040, 84.16.050, 84.16.090, 84.16.110, 84.16.120, 84.36.041, 84.52.063, and 84.70.010; adding a new section to chapter 84.04 RCW; adding a new section to chapter 84.40 RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Ways & Means.

SB 6900 by Senators Tom, Kohl-Welles, Pridemore, Keiser and Kline

AN ACT Relating to establishing vehicle engine displacement and emissions fees; adding new sections to chapter 46.17 RCW; providing effective dates; and providing an expiration date.

Referred to Committee on Water, Energy & Telecommunications.

SB 6901 by Senator Jacobsen

AN ACT Relating to addressing environmental impacts from off-road vehicle use; amending RCW 46.09.030, 46.09.040, 46.09.050, 46.09.070, 46.09.080, 46.09.085, 46.09.117, 4.24.210, 46.09.120, and 46.09.200; reenacting and amending RCW 46.09.170; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6902 by Senator Rockefeller

AN ACT Relating to improving the clarity of the Washington clean air act by increasing readability through policy neutral changes; amending RCW 70.94.011, 70.94.015, 70.94.017, 70.94.030, 70.94.035, 70.94.037, 70.94.040, 70.94.041, 70.94.053, 70.94.055, 70.94.069, 70.94.070, 70.94.081, 70.94.085, 70.94.091, 70.94.092, 70.94.093, 70.94.094, 70.94.096, 70.94.097, 70.94.100, 70.94.120, 70.94.130, 70.94.141, 70.94.142, 70.94.151, 70.94.153, 70.94.154, 70.94.155, 70.94.157, 70.94.161, 70.94.162, 70.94.163, 70.94.165, 70.94.170, 70.94.181, 70.94.200, 70.94.205, 70.94.211, 70.94.230, 70.94.240, 70.94.260, 70.94.262, 70.94.331, 70.94.332, 70.94.335, 70.94.350, 70.94.370, 70.94.380, 70.94.385, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, 70.94.420, 70.94.422, 70.94.425, 70.94.430, 70.94.431, 70.94.435, 70.94.440, 70.94.450, 70.94.455, 70.94.457, 70.94.460, 70.94.470, 70.94.473, 70.94.475, 70.94.477, 70.94.480, 70.94.483, 70.94.510, 70.94.521, 70.94.527, 70.94.528, 70.94.531, 70.94.534, 70.94.537, 70.94.541, 70.94.544, 70.94.547, 70.94.551, 70.94.600, 70.94.610, 70.94.620, 70.94.630, 70.94.640, 70.94.650, 70.94.651, 70.94.654, 70.94.656, 70.94.660, 70.94.665, 70.94.670, 70.94.690, 70.94.700, 70.94.710, 70.94.715, 70.94.720, 70.94.725, 70.94.730, 70.94.743, 70.94.745, 70.94.750, 70.94.755, 70.94.760, 70.94.765, 70.94.775, 70.94.780, 70.94.785, 70.94.800, 70.94.820, 70.94.850, 70.94.875, 70.94.880, 70.94.892, 70.94.901, 70.94.960, 70.94.970, 70.94.996, 1.16.030, 28B.130.010, 43.01.225, 43.01.230, 43.01.240, 43.21B.110, 43.21B.300, 43.21B.310, 43.21C.0381, 43.21K.020, 43.41.140, 43.42.070, 46.08.172, 46.68.020, and 52.12.150; reenacting and amending RCW 70.94.152; adding a new chapter to Title 70 RCW; creating new sections; recodifying RCW 70.94.011, 70.94.030, 70.94.331, 70.94.040, 70.94.181, 70.94.035, 70.94.200, 70.94.205, 70.94.335, 70.94.157, 70.94.370, 70.94.420, 70.94.510, 70.94.033, 70.94.440, 70.94.015, 70.94.017, 70.94.960, 70.94.630, 70.94.544, 70.94.053, 70.94.081,

70.94.055, 70.94.390, 70.94.400, 70.94.069, 70.94.070, 70.94.120, 70.94.100, 70.94.141, 70.94.130, 70.94.142, 70.94.091, 70.94.092, 70.94.093, 70.94.094, 70.94.096, 70.94.385, 70.94.097, 70.94.380, 70.94.230, 70.94.170, 70.94.085, 70.94.240, 70.94.600, 70.94.405, 70.94.410, 70.94.262, 70.94.260, 70.94.395, 70.94.151, 70.94.152, 70.94.153, 70.94.154, 70.94.155, 70.94.161, 70.94.162, 70.94.163, 70.94.850, 70.94.892, 70.94.710, 70.94.715, 70.94.720, 70.94.725, 70.94.730, 70.94.450, 70.94.455, 70.94.457, 70.94.470, 70.94.460, 70.94.473, 70.94.477, 70.94.475, 70.94.041, 70.94.483, 70.94.480, 70.94.650, 70.94.656, 70.94.660, 70.94.670, 70.94.690, 70.94.700, 70.94.665, 70.94.745, 70.94.755, 70.94.743, 70.94.780, 70.94.750, 70.94.765, 70.94.775, 70.94.651, 70.94.654, 70.94.800, 70.94.820, 70.94.875, 70.94.880, 70.94.521, 70.94.037, 70.94.527, 70.94.528, 70.94.531, 70.94.534, 70.94.537, 70.94.541, 70.94.547, 70.94.551, 70.94.555, 70.94.996, 70.94.165, 70.94.970, 70.94.350, 70.94.425, 70.94.430, 70.94.431, 70.94.435, 70.94.785, 70.94.211, 70.94.332, 70.94.422, 70.94.610, 70.94.620, 70.94.640, 70.94.645, 70.94.760, and 70.94.901; decodifying RCW 70.94.025, 70.94.445, 70.94.488, 70.94.505, 70.94.902, 70.94.904, 70.94.905, 70.94.906, 70.94.911, and 70.94.950; and repealing RCW 70.94.860, 70.94.057, 70.94.068, 70.94.095, 70.94.110, 70.94.143, 70.94.221, 70.94.231, 70.94.453, 70.94.463, 70.94.467, 70.94.805, 70.94.524, 70.94.980, and 70.94.990.

Referred to Committee on Water, Energy & Telecommunications.

SB 6903 by Senators Fraser, Brandland, Oemig, Roach, Franklin, Spanel, Parlette, Rockefeller and Rasmussen

AN ACT Relating to the prioritization of public four-year institution capital project requests; amending RCW 28B.76.210; adding a new chapter to Title 43 RCW; creating new sections; and repealing RCW 28B.76.220.

Referred to Committee on Ways & Means.

SB 6904 by Senators Swecker, Roach and Rasmussen

AN ACT Relating to providing tax relief for property damaged as a result of a natural disaster; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6905 by Senators Swecker, Roach and Rasmussen

AN ACT Relating to an extension of the commencement-of-construction date for a sales and use tax for public facilities districts in national disaster area counties; reenacting and amending RCW 82.14.390; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6906 by Senators Swecker, Roach and Rasmussen

AN ACT Relating to mitigation for hydraulic projects undertaken in response to a flood event; and amending RCW 77.55.271.

Referred to Committee on Natural Resources, Ocean & Recreation.

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SB 6907 by Senators Oemig, Brandland, Weinstein, McDermott and Hobbs

AN ACT Relating to personal use of certain state-owned resources by state officers or employees; adding a new section to chapter 42.17 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SJR 8228 by Senators Rockefeller, Haugen, Oemig, Shin, Kilmer, Sheldon, McAuliffe and Rasmussen

Limiting property valuation increases.

Referred to Committee on Ways & Means.

MOTION

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

MOTION

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Kristin Cox, the 2007 Miss Tri Cities, who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Miss Tri Cities to perform on the saxophone.

REMARKS BY THE PRESIDENT

President Owen: "The President has the great privilege of being able to introduce a very distinguished and accomplished guest with us this morning. Her name is Kristin Cox, she is Miss Tri Cities 2007 and she's here with her director Dot Stewart. Miss Tri Cities, Kristin, is twenty-two years old, was born and raised in Washington winning the title of Miss Tri Cities and ten thousand dollars in cash and in-kind scholarships as allowed Kristin to begin her college education. She's a full time student at Columbia Basin College and plans to attend WSU Tri Cities to obtain her bachelors degree after receiving her AA. She's currently considering occupational therapy as a potential career. Kristin will be Miss Tri Cities until July of this year while she will compete for Miss Washington and she is also an avid magician. She will be addressing the caucuses later today but this morning rather than speak to us, she is going to speak with her music. We have the great privilege of having her play a very difficult, the President can attest to it, it's a very difficult song. He's a wanna be sax player and can't play this song. So, it's my great privilege to have Miss Tri Cities on the alto sax."

MOTION

Senator Franklin moved adoption of the following resolution:

SENATE RESOLUTION 8709

By Senators Franklin, Benton, Berkey, Schoesler, Parlette, Holmquist, Shin, Hewitt, Brandland, Honeyford, Spanel, Tom, Kauffman, Kastama, Rasmussen, Regala, Roach, McCaslin, Pflug, King, Delvin, Morton, Kilmer, Swecker, Hatfield, Haugen, Prentice, Marr, Brown, Eide, Carrell, Zarelli, and Hobbs

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WHEREAS, The soldiers of the 3rd Stryker Brigade Combat Team, 2nd Infantry Division, were sent to Iraq for what was to have been a year-long deployment; and

WHEREAS, The 3,800 soldiers of the 3rd Stryker Brigade stayed for fifteen months in Iraq, after seeing action in Mosul, Baghdad, and many other parts of that country considered among the toughest and most dangerous; and

WHEREAS, The troops of the Arrowhead Stryker Brigade, as they are also known, moved farther, faster, and fought harder than any other unit in today's army, according to commander Col. Stephen Townsend; and

WHEREAS, The soldiers of the 3rd Stryker Brigade were credited with saving and changing the lives of Iraqi people; and

WHEREAS, Through the bravery and dedication of the 3rd Stryker Brigade, areas of Iraq that had been abandoned by civilians due to extreme danger were repopulated; and

WHEREAS, Through "Operation Arrowhead Ripper" to clear al-Qaida insurgents in Iraq, soldiers from the 3rd Brigade captured hundreds of enemy fighters and cleared dozens of bombs and booby-trapped houses, making it possible to then launch humanitarian relief efforts; and

WHEREAS, The 3rd Stryker Brigade lost 48 soldiers, and suffered the wounding of 700; and

WHEREAS, Ten soldiers of the 3rd Stryker Brigade were awarded the Silver Star, the nation's third-highest award for combat valor: Staff Sgt. Mark Grover; Staff Sgt. Shawn McGuire; Staff Sgt. David Plush; Sgt. Steven Peters; Spc. Gildardo Cebreros; Staff Sgt. Ismael Iban-Cordero; Staff Sgt. Jon M. Hilliard; Maj. Brent Clemmer; and Spc. Curtis Lundren; with one awarded posthumously to Sgt. Jason Harkins; and

WHEREAS, The members of the 3rd Stryker Brigade were redeployed to Fort Lewis in September 2007;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the sacrifice and valor of these Soldiers who served their country with great distinction and honor, and express its appreciation to their families for the sacrifices they made during the deployment of their loved ones; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the commander of the 3rd Stryker Brigade Combat Team, 2nd Infantry Division.

Senators Franklin, Swecker, Haugen, Carrell, Rasmussen, Hobbs, Shin and McCaslin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8709.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the 3rd Stryker Brigade Combat Team Silver Star recipients: Sergeant First Class Iban, Staff Sergeant Hilliard, Staff Sergeant McGuire, Staff Sergeant Plush, Sergeant Peters and Specialist Cebreros who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced First Gentleman, Mike Gregoire and Colonel Dave E. Funk, Commander of the Third Stryker Brigade Combat Team who were seated at the rostrum.

MOTION

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

PERSONAL PRIVILEGE

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Senator Sheldon: "Mr. President, I just think I'd be remiss, it's been two weeks since a tragic event in Moses Lake. A mentor to me, a real pioneer in public power, Vera Claussen lost her life in a residential house fire. Vera Claussen served public power for forty-seven years. She really was a pioneer. She of, course, was a Commissioner in Grant County PUD. She was a, also worked for the Public Utility District Association and was an executive board member for Energy Northwest. When I joined Energy Northwest she was very kind to me, told me the ropes, taught me a lot of things about public power. I think she was a woman very much before her time, really a pioneer, also was very much recognized for the American Public Power Association but I just wanted to rise and recognize her and make that point. What an inspiration she was to all of us. She retired in 2006 and was able to, I think, receive some of the accolades from her peers and others that knew her well. She did die in a tragic fire she last, two weeks ago in Grant County and that was very sad."

PERSONAL PRIVILEGE

Senator Holmquist: "Thank you. I would just like to add to what my good colleague just mentioned in regards to Vera Claussen. Our thoughts and prayers are with her family, her forty-seven years of service to the PUD and public power and our community, has left a lasting impression. Her contributions will be everlasting and my prayers and thoughts are with her family. Thank you Mr. President."

SECOND READING

SENATE BILL NO. 6332, by Senators Kauffman, Kilmer, Shin, Murray, Sheldon, Marr, Rasmussen, Franklin, Berkey, Haugen, Kohl-Welles, Regala, Keiser, Spanel, McDermott, Rockefeller, Kline, Tom and McAuliffe

Increasing the debt limit of the housing finance commission.

The measure was read the second time.

MOTION

On motion of Senator Kauffman, the rules were suspended, Senate Bill No. 6332 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kauffman and Honeyford spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Eide and Jacobsen were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6332.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6332 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, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr,

McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Eide and Jacobsen - 2

SENATE BILL NO. 6332, 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. 6339, by Senators Kohl-Welles, Swecker, Hargrove, Regala, Fraser, Marr and Kauffman

Providing for address confidentiality of victims of trafficking.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6339 was substituted for Senate Bill No. 6339 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6339 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Swecker and Shin 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. 6339.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6339 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, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Eide and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 6339, 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 Kohl-Welles: "Thank you Mr. President. Last week on Friday we ran out of time to have adoption of the Senate Resolution No. 8713 that had to do with human trafficking. We did have this in Pro Forma Session yesterday at which time we had former Representative Velma Veloria and former Senator Jeralita Costa in the gallery with us as well as Rani Hong who has today announced at a press conference that we had this morning of a new shelter for victims of trafficking that will be opening up. The obvious location is not being disclosed but it is Western Washington. First in the state and likely the one of the very first in the whole country. It will be called Nells home. This is a very important issue as we addressed with today being

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National Day of Freedom. Two weeks ago today, for the first time, we had the National Day of Trafficking Awareness that was proclaimed by the United States Congress. What is important to recognize is not only have we led the way in the United States, our state has the led the way with former Representative Veloria, former Senator Costa but also former State Senator Linda Smith, also former Congresswoman Smith her herself had opened an organization, Shared Hope International, to help rescue victims, child victims in particular of prostitution and trafficking in the South East Asia area. We were the first state in the country to have a task force developed, Anti Trafficking Task Force back in 2002. This came about as a result of a lot of work by members of the legislature but most importantly members in the community, victim advocacy groups, particularly those in the Asian Pacific Islander community because of two murders of mail-order brides, Anastasia King from Kurdistan and Susan Blackwell from the Philippines. We have led the way ever since being the first state in the country to criminalize trafficking, the first state in the country to provide protections, to what have been called mail-order brides. We've had three iterations of a state task force against trafficking. We were also the first state in the country to establish protocols through an integrated partnership among policy makes, those in the criminal justice system, law enforcement, prosecutors, victim advocacy groups to deliver services in a coordinated way for victims of trafficking. The current task force on trafficking anti-trafficking efforts will be issuing it's recommendations to the legislature very soon. They are meeting to finalize those. We have a lot more that we need do. We're equal distance between Europe and Asia, we're the closest port to Asia and unfortunately the United State is the destination country for the real evils, evils of people being trafficked, against their will or being coursed. This is something we will continue to work on. I salute this Senate for all that has been done and I look forward to bringing with Senator Swecker additional legislation next year. Thank you."

MOTION

At 10:57 a.m., on motion of Senator Marr, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:41 a.m. by President Owen.

SECOND READING

SENATE BILL NO. 5524, by Senators Berkey, Schoesler, Fairley and Roach

Regulating manufactured home parks or manufactured housing communities. Revised for 1st Substitute: Addressing the restriction of mobile home or manufactured home locations.

MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 5524 was substituted for Senate Bill No. 5524 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 5524 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Honeyford spoke in favor of passage of the bill.

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The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5524.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5524 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, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Eide and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 5524, 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. 6385, by Senators Weinstein, Kauffman, Fraser, Marr, Pridemore, Fairley, Brown, McAuliffe and Kohl-Welles

Concerning real property.

MOTION

On motion of Senator Weinstein, Substitute Senate Bill No. 6385 was substituted for Senate Bill No. 6385 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 1, beginning on line 4, strike the remainder of the bill and insert the following:

"NEW SECTION. Sec. 1. The legislature finds there have been distressing examples in Washington state of homeowners experiencing significant financial hardship due to avoidable residential construction defects. To minimize this occurrence, and to provide relief as appropriate, it is the intent of the legislature that a committee be established to comprehensively examine issues concerning residential construction defects. Such examination shall include, but not be limited to, issues regarding residential construction professional licensing, state building code revisions, and statutory remedies for construction or inspection defects.

NEW SECTION. Sec. 2. (1) A committee is established to:

(a) Examine license requirements for residential construction professionals, including, but not limited to, whether contractors should be licensed and what education and training requirements should exist;

(b) Evaluate remedies at law for residential construction defects including, but not limited to, statutory causes of action for negligent construction or building code inspection. Within this evaluation, the committee shall examine the likely impact, if any, such causes of action would have on housing prices, insurance costs for construction professionals, and local governments' liability; and

(c) Examine the state building code and determine whether

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the code should be strengthened to protect homeowners.

(2) The committee consists of the following members who shall be persons with experience and expertise in residential construction law or residential construction:

(a) A member, who shall be the chair of the committee, jointly appointed by the speaker of the house of representatives and the president of the senate;

(b) One member from each caucus of the senate, appointed by the president of the senate;

(c) One member from each caucus of the house of representatives, appointed by the speaker of the house of representatives;

(d) The president of the state building code council or the president's designee;

(e) The following seven members, jointly appointed by the speaker of the house of representatives and the president of the senate:

- (i) Two residential builders;
- (ii) One residential remodeler;
- (iii) One third-party private residential building inspector;
- (iv) One local government building inspector;
- (v) A residential construction defect plaintiff's attorney; and
- (vi) A residential construction defect defense attorney.

(3) By December 1, 2008, the committee shall deliver to the consumer protection and housing committee of the senate and judiciary committee of the house of representatives a report of the findings and conclusions of the committee and any proposed legislation.

NEW SECTION. Sec. 3. This act expires January 1, 2009."

On page 1, line 1 of the title, after "property", strike the remainder of the title and insert "creating new sections and providing an expiration date."

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Weinstein spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, beginning on line 4 to Substitute Senate Bill No. 6385.

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

MOTION

On motion of Senator Weinstein, the rules were suspended, Substitute Senate Bill No. 6385 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Weinstein spoke in favor of passage of the bill.

Senator Brandland spoke against passage of the bill.

POINT OF INQUIRY

Senator Hargrove: "As I read this bill, it says that it allows the homeowner to sue a contractor for violating the contractor's duty of reasonable care in the construction of the home. If this bill passes, will a person who files a claim be able to recover for pain and suffering, mental anguish, or punitive damages, or is the person's claim limited to economic damages?"

Senator Weinstein: "No. This bill follows the common law, which allows for the recovery of economic damages only, and the law does not allow for the recovery of damages for pain and suffering, mental anguish, or punitive damages."

Senators Hargrove and Tom spoke in favor of passage of the bill.

Senators Honeyford, Holmquist, Schoesler and Stevens spoke against passage of the bill.

POINT OF INQUIRY

Senator Pflug: "Ok so, does this Senate Bill No. 6385 create an opportune, a new cause action against a previous homeowner of the building or a subcontractor involved in the construction?"

Senator Weinstein: "Construction professionals that work on homes can be liable if they violate a duty of reasonable care. Last year's bill, the warranty bill, was very extensive and this bill is a two sentence bill and I want to leave some of it's interpretation to the courts to do consistent with the common law over the centuries. So, a lot of it will have to be interpreted by the court."

Senator Pflug: "But probably a subcontractor, what about a homeowner, a previous homeowner?"

Senator Weinstein: "Previous homeowner that did what? They had to do construction work?"

Senator Pflug: "If they hired someone to do construction would they also potentially be liable?"

Senator Weinstein: "No."

Senator Pflug: "If they did it themselves they might be liable."

Senator Weinstein: "If they did it themselves they could potentially be liable and that's what the court would say."

Senator Pflug: "My final question, does it apply to contractors who do business in Washington even if they are not licensed in Washington?"

Senator Weinstein: "Absolutely. Licensed, unlicensed, absolutely."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6385.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6385 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 27

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Haugen, Hewitt, Holmquist, Honeyford, Kilmer, King, McCaslin, Morton, Parlette, Rasmussen, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 20

Excused: Senators Eide and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 6385, 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 Marr, Substitute Senate Bill No. 6385 was immediately transmitted to the House of Representatives.

MOTION

At 12:20 p.m., on motion of Senator Marr, the Senate adjourned until 12:00 noon, Monday, February 4, 2008.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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6641	Committee Report	2

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