

**THIRTY-SIXTH DAY**

## NOON SESSION

Senate Chamber, Olympia, February 14, 2005

The Senate was called to order at 12:00 noon by President Owen. 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

SB 5035 Prime Sponsor, Thibaudeau: Eliminating the state forensic pathology fellowship program. Reported by Committee on Health & Long-Term Care February 10, 2005

MAJORITY recommendation: That Substitute Senate Bill No. 5035 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

SB 5146 Prime Sponsor, Keiser: Allowing quality improvement committee confidentiality. Reported by Committee on Health & Long-Term Care February 10, 2005

MAJORITY recommendation: That Substitute Senate Bill No. 5146 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Kastama, Parlette and Poulsen

Passed to Committee on Rules for second reading.

SB 5158 Prime Sponsor, Keiser: Modifying the uniform health care information act. Reported by Committee on Health & Long-Term Care February 10, 2005

MAJORITY recommendation: That Substitute Senate Bill No. 5158 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Kastama, Parlette and Poulsen

Passed to Committee on Rules for second reading.

SB 5177 Prime Sponsor, Swecker: Modifying transportation benefit district provisions. Reported by Committee on Transportation February 10, 2005

MAJORITY recommendation: That Substitute Senate Bill No. 5177 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel and Swecker

Passed to Committee on Rules for second reading.

SB 5289 Prime Sponsor, McAuliffe: Disregarding from federal accountability reporting those students receiving home-based instruction who participate in running start. Reported by Committee on Early Learning, K-12 & Higher Education February 10, 2005

MAJORITY recommendation: That Substitute Senate Bill No. 5289 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Carrell, Delvin, Eide, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Rules for second reading.

SB 5406 Prime Sponsor, Franklin: Modifying medicare supplemental insurance policy provisions to conform to federal law. Reported by Committee on Health & Long-Term Care February 10, 2005

MAJORITY recommendation: That Substitute Senate Bill No. 5406 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Kastama, Kline and Parlette

Passed to Committee on Rules for second reading.

February 10, 2005

SB 5495 Prime Sponsor, Kline: Providing the secretary of health with authority to administer grants. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5495 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Franklin, Kastama, Kline and Poulsen

MINORITY recommendation: Do not pass. Signed by Senators Benson, Brandland, Johnson and Parlette

Passed to Committee on Rules for second reading.

February 10, 2005

SB 5511 Prime Sponsor, Shin: Extending liability immunity to certain skate parks that charge a nominal fee. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Without recommendation. Signed by Senators Jacobsen, Chair; Fraser, Morton, Oke, Spanel and Stevens

Passed to Committee on Judiciary.

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 fourth order of business.

MESSAGE FROM THE HOUSE

February 11, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1062,  
ENGROSSED HOUSE BILL NO. 1146,  
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 11, 2005

MR. PRESIDENT:

The House has passed the following bill{s}:  
HOUSE BILL NO. 1048,  
HOUSE BILL NO. 1081,  
SUBSTITUTE HOUSE BILL NO. 1113,  
HOUSE BILL NO. 1130,  
HOUSE BILL NO. 1138,  
HOUSE BILL NO. 1515,  
HOUSE BILL NO. 1625,  
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5902 by Senators Eide, Shin, Zarelli, Doumit, Rasmussen and Pflug

AN ACT Relating to small business and entrepreneurial development; creating a new section; and making an appropriation.

Referred to Committee on International Trade & Economic Development.

SB 5903 by Senators Stevens, Hargrove, Zarelli, Haugen, Esser, Kline, Doumit, Fairley, Johnson, Delvin, Swecker, Kohl-Welles and Rasmussen

AN ACT Relating to duties of the director of the office of public defense; and amending RCW 2.70.020.

Referred to Committee on Human Services & Corrections.

SB 5904 by Senator Pridemore

AN ACT Relating to revisions in Title 82 RCW resulting in no fiscal impact; amending RCW 82.04.180, 82.04.290, 82.04.2908, 82.04.4281, 82.04.4461, 82.04.530, 82.08.0266, 82.08.02665, 82.08.02745, 82.08.0283, 82.08.945, 82.12.0277, 82.12.0284, 82.12.035, 82.12.945, 82.14.055, 82.14B.020, 82.19.010, 82.29A.130, 82.32.033, 82.32.105, 82.32.140, 82.32.520, 82.32.555, and 82.45.150; amending 2004 c 153 s 502 (uncodified); reenacting and amending RCW 82.04.260, 82.04.440, 82.14B.030, and 82.32.330; repealing RCW 82.29A.150; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

SB 5905 by Senators Mulliken and Oke

AN ACT Relating to providing for the option for immediate eviction of tenants who are involved in criminal actions or unlawful civil disruptions; amending RCW 59.18.130 and 59.12.030; adding new sections to chapter 59.18 RCW; and creating a new section.

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

SB 5906 by Senators Fraser, Morton and Rasmussen

AN ACT Relating to the trust water rights program; amending RCW 90.42.020 and 90.42.100; adding new sections to chapter 90.42 RCW; creating a new section; repealing RCW 90.38.005, 90.38.010, 90.38.020, 90.38.030, 90.38.040, 90.38.050, 90.38.900, 90.38.901, 90.38.902, 90.42.010, 90.42.030, 90.42.040, 90.42.050, and 90.42.080; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

SB 5907 by Senators Haugen, Kastama, McCaslin and Rasmussen

AN ACT Relating to affirming that cities and counties planning under chapter 36.70A RCW retain the ability to accommodate state projected population growth within urban growth areas without requiring a minimum residential density; amending RCW 36.70A.110; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5908 by Senators Regala, Schoesler, Pridemore, Oke, Sheldon, Rasmussen, Carrell, Fairley, Brandland, Poulsen, Schmidt, Eide, Thibaudeau, Franklin, Morton, Jacobsen and Rockefeller

AN ACT Relating to conforming Washington's tax structure to the streamlined sales and use tax agreement; amending RCW 82.32.020, 82.32.030, and 82.14.390; amending 2003 c 168 s 902 (uncodified); reenacting and amending RCW 82.14.020; adding new sections to chapter 82.32 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing effective dates; providing contingent effective dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5909 by Senators Deccio, Keiser and Oke

AN ACT Relating to regulation of indoor smoking for the purpose of protecting minors and public health; amending RCW 70.160.020, 70.160.030, 70.160.040, and 70.160.070; adding new sections to chapter 70.160 RCW; creating a new section; and repealing RCW 70.160.050 and 70.160.080.

Referred to Committee on Health & Long-Term Care.

SB 5910 by Senators Kline, Jacobsen and Kohl-Welles

AN ACT Relating to the University of Washington school of law public service legal loan repayment assistance program; adding a new chapter to Title 28B RCW; and making appropriations.

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

SB 5911 by Senators Berkey, Esser, Doumit, McCaslin, Hewitt, Delvin, Thibaudeau, Kohl-Welles and Rasmussen

AN ACT Relating to excluding self-service laundry from the definition of retail sale for excise tax purposes; reenacting and amending RCW 82.04.050; creating a new section; and providing an effective date.

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

SB 5912 by Senators Kastama and Kohl-Welles

AN ACT Relating to clarifying requirements concerning use of scientific information in the designation and protection of critical areas; amending RCW 36.70A.172; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5913 by Senators Kastama, Kohl-Welles and Rasmussen

AN ACT Relating to regulating tattooing and body piercing businesses; amending RCW 18.16.010, 18.16.020, 18.16.030, 18.16.050, 18.16.060, 18.16.130, 18.16.170, 18.16.180, 18.16.190, 18.16.200, 18.16.290, 70.54.320, 70.54.330, 70.54.340, and 70.54.350; reenacting and amending RCW 18.16.175; adding new sections to chapter 18.16 RCW; and prescribing penalties.

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

SB 5914 by Senators Parlette and Jacobsen

AN ACT Relating to the salmon recovery funding board; and reenacting and amending RCW 77.85.130.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5915 by Senators Fairley, Brandland, Regala, Hewitt and Kohl-Welles

AN ACT Relating to ensuring that offender populations do not exceed prison capacity; amending RCW 9.94A.728; adding new sections to chapter 43.88C RCW; adding new sections to chapter 9.94A RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 5916 by Senators Schmidt, Esser, Finkbeiner and Benson

AN ACT Relating to tax incentives for clean and alternative fuel vehicles; adding new sections to chapter 82.08 RCW; and adding new sections to chapter 82.12 RCW.

Referred to Committee on Water, Energy & Environment.

SB 5917 by Senators Fairley, Kline and Kohl-Welles

AN ACT Relating to discrimination based on lawful source of income; amending RCW 49.60.030, 49.60.040, 49.60.223, 49.60.224, and 49.60.225; and reenacting and amending RCW 49.60.222.

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

SB 5918 by Senators Shin, Schmidt, Berkey, Kastama, Pflug, Rockefeller, Doumit, Esser, Kohl-Welles, Delvin, Jacobsen and Rasmussen

AN ACT Relating to economic development tax credits for employee training; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on International Trade & Economic Development.

SB 5919 by Senators Thibaudeau, Fairley and Kohl-Welles

AN ACT Relating to mental health service providers under medicaid; and amending RCW 74.09.520.

Referred to Committee on Health & Long-Term Care.

SB 5920 by Senators Esser, Pflug, Shin and Rasmussen

AN ACT Relating to regulatory flexibility; amending RCW 19.85.011, 19.85.020, 19.85.025, 19.85.030, 19.85.061, and 34.05.320; adding new sections to chapter 19.85 RCW; creating a new section; and repealing RCW 19.85.040 and 19.85.050.

Referred to Committee on International Trade & Economic Development.

SB 5921 by Senators Kastama, Kohl-Welles, Rockefeller and Rasmussen

AN ACT Relating to improving government management, accountability, and performance; adding new sections to chapter 43.17 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SCR 8407 by Senators Shin, Berkey, Kastama, Doumit, Rockefeller, Keiser, Esser, Kohl-Welles, Jacobsen, Kline and Rasmussen

Establishing a joint task force to study offshore outsourcing.

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

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 eighth order of business.

MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION  
8615

By Senators Rasmussen, Schoesler, Doumit, Prentice, Hewitt, Brandland, Rockefeller and Parlette

WHEREAS, The 4-H Youth Development Program of Washington State University has helped young people in Washington develop useful "life skills" since it was established in 1902; and

WHEREAS, The program centers on teaching young people to become productive members of society by fostering self-esteem, communication, and decision-making skills; and

WHEREAS, Over 75,000 young people and 8,300 adult volunteers throughout Washington participated in 4-H Youth Development Programs in 2004; and

WHEREAS, These programs helped participants learn about a wide variety of subjects including science, family living, applied arts, and government activism; and

WHEREAS, These programs work with traditional community clubs and reach youth through urban groups, special interest groups, nutrition programs, after school programs, camping, and interagency learning experiences; and

WHEREAS, More than 300 4-H members from around the state are currently visiting the State Capitol as part of an annual statewide education program titled "4-H Know Your Government"; and

WHEREAS, The 4-H Know Your Government Program focused this year on the judicial system and better understanding the issues related to preserving one's personal rights and how courts may pivot on political happenings; and

WHEREAS, 4-H will continue its dedication to empower young people to become active global citizens and realize the value, significance, and responsibility of taking part in local, regional, state, national, and international community issues;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the 4-H Youth Development Program for its many contributions to the youth of Washington and the betterment of our communities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Pat Boyes, the State 4-H Director for the Washington State University 4-H Youth Development Program.

Senator Rasmussen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8615.

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

PARLIAMENTARY INQUIRY

Senator Esser: "Mr. President, one of the great privileges serving in the Senate in the recent years has been the recipient of delicious cookies on Valentine's Day. And I was wondering, if the President was aware, if there might be a cookie distribution taking place today on the floor?"

REMARKS BY THE PRESIDENT

President Owen: "Well, the, I know that's probably why Senator Deccio came in today. The truth of the matter is, as I left this morning about 7:00 a.m., I left in the wafting odor of fresh baked cookies and - about 300 sitting there for me to bring in - and they're still sitting there. So they will be brought in tomorrow, since nobody is going, the 'full' Senate is not going to be on the floor today. I chose to wait until tomorrow. Actually, we won't be on until Wednesday. Well, we'll distribute them tomorrow.

REMARKS BY THE PRESIDENT

President Owen: "I know, I've been getting orders and I'm also out getting my Atkins friendly candy today to bring in so. So I got that message last year too."

PERSONAL PRIVILEGE

JOURNAL OF THE SENATE

Senator Rasmussen: “Thank you Mr. President. Well, Valentine’s Day is really all year round so if you don’t bring them until tomorrow that’s perfectly alright because we know you love us all year round. I also, I made the same speech to my nineteen grandchildren, because I didn’t mail their cards until last night.”

REMARKS BY THE PRESIDENT

President Owen: “So, do they have a truck come to your house to pick up the mail or what?”

PERSONAL PRIVILEGE

Senator Rasmussen: “That’s true. It was really, really thick and but, you know, you can’t get them all out on time, but that doesn’t mean that you don’t love us all year round.”

MOTION

At 12:07 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, February 15, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate