

FIFTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 7, 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 Hargrove and Holmquist.

The Sergeant at Arms Color Guard consisting of Pages Laura Pflug and Ryan Browne, presented the Colors. Pastor Walter Snook of Tumwater United Methodist 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 fifth order of business.

INTRODUCTION AND FIRST READING

SB 6147 by Senators Brown, Kohl-Welles and Keiser

AN ACT Relating to business and occupation tax imposed on retail establishments; adding new sections to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Jacobsen moved that Gubernatorial Appointment No. 9229, Fred A. Shiosaki, as a member of the Fish and Wildlife Commission, be confirmed.

Senators Jacobsen and Morton spoke in favor of the motion.

APPOINTMENT OF FRED A. SHIOSAKI

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9229, Fred A. Shiosaki as a member of the Fish and Wildlife Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9229, Fred A. Shiosaki as a member of the Fish and Wildlife Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

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

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

Absent: Senators Hargrove and Holmquist - 2

Gubernatorial Appointment No. 9229, Fred A. Shiosaki, having received the constitutional majority was declared confirmed as a member of the Fish and Wildlife Commission.

MOTION

On motion of Senator Regala, Senator Hargrove was excused.

MOTION

On motion of Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointments and the vote of the Senate was recorded as a separate vote for each appointment.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Benton moved that Gubernatorial Appointment No. 9166, Mason Pettit; Gubernatorial Appointment No. 9208, Glenn Gorton and Gubernatorial Appointment No. 9209, David Scott as members of the Investment Board, be confirmed.

Senator Benton spoke in favor of the motion.

APPOINTMENT OF MASON PETTIT

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9166, Mason Pettit; Gubernatorial Appointment No. 9208, Glenn Gorton and Gubernatorial Appointment No. 9209, David Scott as members of the Investment Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9166, Mason Pettit as a member of the Investment Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

APPOINTMENT OF GLENN GORTON

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9208, Glenn Gorton as a member of the Investment Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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, Pflug, Poulsen, Prentice, Pridemore,

FIFTY-NINTH DAY, MARCH 7, 2007

2007 REGULAR SESSION

Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

APPOINTMENT OF DAVID SCOTT

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9209, David Scott as a member of the Investment Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9166, Mason Pettit; Gubernatorial Appointment No. 9208, Glenn Gorton and Gubernatorial Appointment No. 9209, David Scott having received the constitutional majority were declared confirmed as members of the Investment Board.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Jacobsen moved that Gubernatorial Appointment No. 9054, Robert C. Petersen; Gubernatorial Appointment No. 9064, Eliot Scull; Gubernatorial Appointment No. 9077, Cecilia Vogt; Gubernatorial Appointment No. 9210, Fred Olson and Gubernatorial Appointment No. 9248, Joe Taller as members of the Parks and Recreation Commission, be confirmed.

Senators Jacobsen and Morton spoke in favor of the motion.

APPOINTMENT OF ROBERT C. PETERSEN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9054, Robert C. Petersen; Gubernatorial Appointment No. 9064, Eliot Scull; Gubernatorial Appointment No. 9077, Cecilia Vogt; Gubernatorial Appointment No. 9210, Fred Olson and Gubernatorial Appointment No. 9248, Joe Taller as members of the Parks and Recreation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9054, Robert C. Petersen as a member of the Parks and Recreation Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

APPOINTMENT OF ELIOT SCULL

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9064, Eliot Scull as a member of the Parks and Recreation Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

APPOINTMENT OF CECILIA VOGT

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9077, Cecilia Vogt as a member of the Parks and Recreation Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

APPOINTMENT OF FRED OLSON

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9210, Fred Olson as a member of the Parks and Recreation Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

APPOINTMENT OF JOE TALLER

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9248, Joe Taller as a member of the Parks and Recreation Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9054, Robert C. Petersen; Gubernatorial Appointment No. 9064, Eliot Scull; Gubernatorial Appointment No. 9077, Cecilia Vogt; Gubernatorial Appointment No. 9210, Fred Olson and Gubernatorial Appointment No. 9248, Joe Taller having received the constitutional majority were declared confirmed as members of the Parks and Recreation Commission.

SECOND READING

FIFTY-NINTH DAY, MARCH 7, 2007
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

2007 REGULAR SESSION
Senator Keiser moved adoption of the following resolution:

MOTION

Senator Kohl-Welles moved that Gubernatorial Appointment No. 9062, Robert Scarbrough and Gubernatorial Appointment No. 9025, William Hanson as members of the Lottery Commission, be confirmed.

Senator Kohl-Welles spoke in favor of the motion.

APPOINTMENT OF ROBERT SCARBROUGH

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9062, Robert Scarbrough and Gubernatorial Appointment No. 9025, William Hanson as members of the Lottery Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9062, Robert Scarbrough as a member of the Lottery Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

APPOINTMENT OF WILLIAM HANSON

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9025, William Hanson as a member of the Lottery Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9062, Robert Scarbrough and Gubernatorial Appointment No. 9025, William Hanson having received the constitutional majority were declared confirmed as members of the Lottery Commission.

MOTION

On motion of Senator Eide, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

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

MOTION

SENATE RESOLUTION
8614

By Senators Keiser, Berkey, Parlette, Kauffman, Fairley, Carrell, Franklin, Kohl-Welles and Pflug

WHEREAS, People with all kinds of disabilities have the right to live and work in communities with equal rights as equal citizens; and

WHEREAS, Living in a home in the community of your choice, free from isolation and segregation, is one key to achieving the American dream; and

WHEREAS, Those with disabilities are no longer willing to accept a fate that separates or excludes them; and

WHEREAS, Approximately 832,000 people in Washington state have a disability requiring personal assistance services by family members, providers, and community organizations; and

WHEREAS, There are several independent living centers in Washington state working with individuals with disabilities on obtaining access to housing, employment, transportation, recreational facilities, and health and social services; and

WHEREAS, People live happier, more fulfilled lives when they are able to actively contribute to society by working, volunteering, and participating in community events; and

WHEREAS, With the assistance of the 32,000 plus home and personal care workers in Washington state working to reduce unnecessary institutionalization and promote integration into community life, independent living is no longer an unattainable dream; and

WHEREAS, Living independently gives people the option to manage their own services, increasing control over their own decisions and lives; and

WHEREAS, Independent living empowers individuals with disabilities by creating opportunities, promoting choice, advancing access, and furthering participation in community life;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and support the independence and rights of all individuals with disabilities on March 7, 2007, Independent Living Day.

Senator Keiser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8614.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of project Pas-Port for Change sponsored by the Washington Protection & Advocacy System who were seated in the gallery.

MOTION

Senator Benton moved adoption of the following resolution:

SENATE RESOLUTION
8646

By Senators Benton, Parlette, Hewitt, McAuliffe, Prentice, Schoesler, McCaslin, Stevens and Brandland

WHEREAS, Lynn D. "Buck" Compton served his nation with courage and valor in World War II, having joined the United States Army in early 1943, and receiving an assignment to the 2nd platoon of Easy Company, 2nd Battalion, 506th Parachute Infantry Regiment, 101st Airborne Division; and

WHEREAS, His heroic actions in defense of our country were recounted in the book "Band of Brothers" by Stephen Ambrose and later visualized on the screen in the critically acclaimed television miniseries of the same name, produced by

FIFTY-NINTH DAY, MARCH 7, 2007

Tom Hanks and starring Neil McDonough as Second Lieutenant Compton; and

WHEREAS, On June 6, 1944, as part of the Allied D-Day Invasion of Hitler's Fortress Europe, Airborne divisions dropped into Normandy, with Second Lieutenant Compton and other paratroopers from Easy Company parachuted behind enemy lines under perilous conditions; and

WHEREAS, In the face of overwhelming opposition, Second Lieutenant Compton and other soldiers relied upon superior tactics in assaulting a German battery, disabling four 105mm guns and routing the enemy, for which Second Lieutenant Compton was awarded the Silver Star, and eventually promoted to First Lieutenant; and

WHEREAS, In September 1944, First Lieutenant Compton served with American and British Allies in Operation Market Garden, in which First Lieutenant Compton was wounded; and

WHEREAS, First Lieutenant Compton, awarded the Purple Heart, returned to his unit in time for the Battle of the Bulge, beginning in late 1944, and later left Easy Company for another assignment, having bravely served his country and the cause of liberty; and

WHEREAS, Buck Compton returned to civilian life after World War II, married and raised two children, attended law school, successfully prosecuted Sirhan Sirhan for the murder of Robert F. Kennedy, and served twenty years as a judge on the California Court of Appeals following an appointment by Governor Ronald Reagan;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially honor and thank Lynn D. "Buck" Compton for his accomplished and continuing life of sacrifice and dedicated service in the defense and betterment of a grateful nation.

Senators Benton and Hobbs spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8646.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Bob Compton who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Bob Compton to address the Senate.

REMARKS BY BOB COMPTON

Bob Compton: "Thank you for this honor. I can't tell you how much I appreciate it and how flattered I am by it but I can only tell you I accept it only as a representative of thousands of other guys who did more or as much as I did in the war. 'A Band of Brothers' have given us some publicity and popularity or whatever you want to call it. Probably far beyond what we deserve except that we hope that we represent madicom or microcosm of all the people who had fought in World War II and that's what we always hold ourselves out to be so. The other thing what we, my buddies at least in the 101st we spend a lot of time talking to the young soldiers of today and what we like to tell them is that we believe to a man that they're fighting a more dangerous enemy and a more difficult enemy than we ever fought against and they deserve our best support but we think it's a war that has to be won, that has to be fought. On behalf of my former brothers of arms, again I thank you for this honor."

MOTION

2007 REGULAR SESSION

At 10:23 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:48 a.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

March 5, 2007

MR. PRESIDENT:
The Speaker has signed:
HOUSE BILL NO. 1025,
and the same is here transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1025,

MESSAGE FROM THE HOUSE

March 6, 2007

MR. PRESIDENT:
The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1032,
SUBSTITUTE HOUSE BILL NO. 1397,
HOUSE BILL NO. 1449,
HOUSE BILL NO. 1543,
SUBSTITUTE HOUSE BILL NO. 1561,
HOUSE BILL NO. 1674,
HOUSE BILL NO. 1722,
SUBSTITUTE HOUSE BILL NO. 1777,
SUBSTITUTE HOUSE BILL NO. 1848,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2007

MR. PRESIDENT:
The House has passed the following bills:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1114,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131,
ENGROSSED HOUSE BILL NO. 1347,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2007

MR. PRESIDENT:
The House has passed the following bills:
SECOND SUBSTITUTE HOUSE BILL NO. 1088,

FIFTY-NINTH DAY, MARCH 7, 2007
HOUSE BILL NO. 1416,
SECOND SUBSTITUTE SENATE BILL NO. 5093,
and the same are herewith transmitted.

2007 REGULAR SESSION
MESSAGE FROM THE HOUSE

March 6, 2007

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SECOND SUBSTITUTE SENATE BILL NO. 5093,

MESSAGE FROM THE HOUSE

March 6, 2007

MR. PRESIDENT:
The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1192,
HOUSE BILL NO. 1230,
SECOND SUBSTITUTE HOUSE BILL NO. 1242,
SUBSTITUTE HOUSE BILL NO. 1259,
SUBSTITUTE HOUSE BILL NO. 1312,
HOUSE BILL NO. 1331,
HOUSE BILL NO. 1343,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2007

MR. PRESIDENT:
The House has passed the following bills:
SECOND SUBSTITUTE HOUSE BILL NO. 1201,
SUBSTITUTE HOUSE BILL NO. 1244,
SUBSTITUTE HOUSE BILL NO. 1287,
SUBSTITUTE HOUSE BILL NO. 1333,
SECOND SUBSTITUTE HOUSE BILL NO. 1334,
SECOND SUBSTITUTE HOUSE BILL NO. 1716,
SECOND SUBSTITUTE HOUSE BILL NO. 1922
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2007

MR. PRESIDENT:
The House has passed the following bills:
HOUSE BILL NO. 1311,
HOUSE BILL NO. 1344,
HOUSE BILL NO. 1447,
HOUSE BILL NO. 1599,
HOUSE BILL NO. 1940
HOUSE BILL NO. 1972,
HOUSE BILL NO. 2090,
HOUSE BILL NO. 2119,
HOUSE BILL NO. 2154,
SUBSTITUTE HOUSE BILL NO. 2225,
HOUSE BILL NO. 2281,
HOUSE BILL NO. 2283,
SUBSTITUTE HOUSE BILL NO. 2312,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MR. PRESIDENT:
The House has passed the following bills:
HOUSE BILL NO. 2319,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 5090, by Senators Kastama, Shin, Franklin, Kilmer, Marr, Kauffman, Murray and Rasmussen

Promoting innovation partnership zones.

MOTIONS

On motion of Senator Kastama, Second Substitute Senate Bill No. 5090 was substituted for Senate Bill No. 5090 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Second Substitute Senate Bill No. 5090 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5090.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5090 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Hargrove - 1

SECOND SUBSTITUTE SENATE BILL NO. 5090, 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. 5092, by Senators Marr, Brown, Kilmer, Kauffman, Murray, Shin and Rasmussen

Revising provisions for contracts with associate development organizations for economic development services.

MOTIONS

FIFTY-NINTH DAY, MARCH 7, 2007

2007 REGULAR SESSION

On motion of Senator Marr, Second Substitute Senate Bill No. 5092 was substituted for Senate Bill No. 5092 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Second Substitute Senate Bill No. 5092 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5092.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5092 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SECOND SUBSTITUTE SENATE BILL NO. 5092, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5461, by Senators Morton, Jacobsen, Fraser, Hatfield, Hargrove, Benton, Sheldon and Rasmussen

Improving forest health on state trust lands by continuing the use of contract harvesting for silvicultural treatments.

MOTION

On motion of Senator Eide, Substitute Senate Bill No. 5461 was substituted for Senate Bill No. 5461 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Marr, Senator Poulsen was excused.

MOTION

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5461 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Rockefeller spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Carrell, McCaslin, Roach and Swecker were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5461.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5461 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senators Hatfield and Kline - 2

Excused: Senators Poulsen and Roach - 2

SUBSTITUTE SENATE BILL NO. 5461, 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 Hatfield: It was my intention to vote "YEA" on the final passage of Substitute Senate Bill No. 5461.

SENATOR HATFIELD, 19th Legislative District

MOTION

At 1:39 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 1:55 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

March 7, 2007

MR. PRESIDENT:

The Speaker has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5093, and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

FIFTY-NINTH DAY, MARCH 7, 2007

2007 REGULAR SESSION

SECOND READING

SENATE JOINT MEMORIAL NO. 8012, by Senators Brown, Hewitt, Franklin, Fraser, Oemig, Kline, Kilmer, Swecker, Hobbs, Hatfield, Marr, Spanel, Regala, Kohl-Welles, Berkey, Pridemore, Rasmussen, McAuliffe, Sheldon and Shin

Requesting the Washington Air and Army National Guard not be federalized.

MOTIONS

On motion of Senator Brown, Substitute Senate Joint Memorial No. 8012 was substituted for Senate Joint Memorial No. 8012 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Joint Memorial No. 8012 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Joint Memorial No. 8012.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8012 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 42

Voting nay: Senators Carrell, Holmquist, Honeyford, Morton, Parlette, Stevens and Zarelli - 7

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8012, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Regala, Senator Brown was excused.

SECOND READING

SENATE BILL NO. 5199, by Senators Berkey, Prentice, Benton, Hobbs, Hatfield, Schoesler, Parlette, Franklin and Keiser

Restricting small loan practices.

The measure was read the second time.

MOTION

On motion of Senator Berkey, the rules were suspended, Senate Bill No. 5199 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5199.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5199 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, 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, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

SENATE BILL NO. 5199, 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. 5171, by Senators Schoesler, Pridemore, Fairley, McAuliffe, Shin, Prentice, Sheldon, Franklin, Kline and Rasmussen

Establishing contribution rates in the Washington state patrol retirement system.

MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 5171 was substituted for Senate Bill No. 5171 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 5171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler and Haugen 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. 5171.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5171 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5171, 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.

FIFTY-NINTH DAY, MARCH 7, 2007

SECOND READING

SENATE BILL NO. 5264, by Senators Haugen and Swecker

Authorizing the transportation commission to name or rename state transportation facilities.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5264 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.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5264.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5264 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Hargrove, Honeyford, Murray and Poulsen - 4

SENATE BILL NO. 5264, 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. 5351, by Senators Kline and Spanel

Changing travel reimbursement provisions affecting judges of the court of appeals.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5351 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5351.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5351 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser,

2007 REGULAR SESSION

Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 5351, 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. 5385, by Senators Shin, Jacobsen, Schoesler, Rockefeller, Delvin, Tom and Kohl-Welles

Providing the Washington higher education facilities authority the ability to originate and purchase educational loans and to issue student loan revenue bonds.

The measure was read the second time.

MOTION

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

On page 11, beginning on line 5, strike all of section 18 Senator Shin spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Shin on page 11, line 5 to Senate Bill No. 5385.

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

MOTION

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

On page 1, beginning on line 4 of the title, after "RCW;" strike the remainder of the title and insert "and creating new sections."

MOTION

On motion of Senator Shin, the rules were suspended, Engrossed Senate Bill No. 5385 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Rockefeller was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5385.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5385 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown,

FIFTY-NINTH DAY, MARCH 7, 2007

2007 REGULAR SESSION

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, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SENATE BILL NO. 5385, 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.

Senator Franklin assumed the chair.

SECOND READING

SENATE BILL NO. 5228, by Senators Kline, McCaslin and Weinstein

Protecting indirect purchasers for injuries arising from state antitrust law violations. Revised for 1st Substitute: Revising provisions concerning actions under the consumer protection act.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5228 was substituted for Senate Bill No. 5228 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5228 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and McCaslin spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5228.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5228 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, 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, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 47

Voting nay: Senators Carrell and Stevens - 2

SUBSTITUTE SENATE BILL NO. 5228, 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. 5260, by Senators Jacobsen and Morton

Allowing the parks and recreation commission to deny or revoke the issuance of a park pass in certain circumstances.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5260 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5260.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5260 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 5260, 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. 5243, by Senators Brandland, Hargrove, McAuliffe, Stevens, Rasmussen, Shin and Roach

Increasing the length of confinement for a parole violation committed by certain juvenile sex offenders.

MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 5243 was substituted for Senate Bill No. 5243 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brandland, the rules were suspended, Substitute Senate Bill No. 5243 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brandland and Regala spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Rockefeller was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5243.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5243 and the bill passed the Senate

FIFTY-NINTH DAY, MARCH 7, 2007

2007 REGULAR SESSION

by the following vote: Yeas, 48; Nays, 0; Absent, 0; 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, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Rockefeller - 1

SUBSTITUTE SENATE BILL NO. 5243, 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 2:51 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:44 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5483, by Senators Kauffman, Holmquist, Haugen, Clements, Rasmussen and Shin

Retaining the distribution of city hardship assistance program funds to cities and towns for street maintenance.

MOTIONS

On motion of Senator Kauffman, Substitute Senate Bill No. 5483 was substituted for Senate Bill No. 5483 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kauffman, the rules were suspended, Substitute Senate Bill No. 5483 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kauffman spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5483.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5483 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 2; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Benton - 1

Absent: Senators Haugen and Swecker - 2

SUBSTITUTE SENATE BILL NO. 5483, 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. 5463, by Senators Jacobsen, Rockefeller, Morton, Shin and Rasmussen

Modifying forest fire protection assessments.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5463 was substituted for Senate Bill No. 5463 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5463 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senator Swecker was excused.

MOTION

On motion of Senator Regala, Senator Haugen was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5463.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5463 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Honeyford - 1

Excused: Senators Haugen and Swecker - 2

SUBSTITUTE SENATE BILL NO. 5463, 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. 5468, by Senators Oemig, Zarelli, Regala and Schoesler

Regarding the administration of tax programs administered by the department of revenue.

The measure was read the second time.

MOTION

FIFTY-NINTH DAY, MARCH 7, 2007

2007 REGULAR SESSION

On motion of Senator Oemig, the rules were suspended, Senate Bill No. 5468 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5468.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5468 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, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Excused: Senators Haugen and Swecker - 2

SENATE BILL NO. 5468, 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. 5475, by Senators Poulsen, Honeyford, Regala and Kohl-Welles

Modifying provisions affecting underground storage tanks.

MOTIONS

On motion of Senator Poulsen, Substitute Senate Bill No. 5475 was substituted for Senate Bill No. 5475 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Poulsen, the rules were suspended, Substitute Senate Bill No. 5475 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Jacobsen spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senators Carrell and Pflug were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5475.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5475 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 8; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 37

Voting nay: Senators Benton, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton and Schoesler - 8

Excused: Senators Carrell, Haugen, Pflug and Swecker - 4

SUBSTITUTE SENATE BILL NO. 5475, 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. 5635, by Senators Brandland, Kline and Delvin

Revising provisions relating to limitations on polygraph tests.

The measure was read the second time.

MOTION

On motion of Senator Brandland, the rules were suspended, Senate Bill No. 5635 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brandland and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5635.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5635 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, 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, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Carrell and Pflug - 2

SENATE BILL NO. 5635, 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. 5715, by Senators Benton, Berkey, Hobbs, Prentice, Hatfield, Franklin and Shin

Concerning persons selling, soliciting, or negotiating insurance.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5715 was substituted for Senate Bill No. 5715 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5715 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

FIFTY-NINTH DAY, MARCH 7, 2007

2007 REGULAR SESSION

Senators Benton and Berkey 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. 5715.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5715 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senator Kline - 1

Excused: Senators Carrell and Pflug - 2

SUBSTITUTE SENATE BILL NO. 5715, 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. 5717, by Senators Berkey, Hobbs, Prentice, Hatfield and Franklin

Establishing a program of market conduct oversight within the office of the insurance commissioner.

MOTION

On motion of Senator Berkey, Substitute Senate Bill No. 5717 was substituted for Senate Bill No. 5717 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Berkey moved that the following amendment by Senators Berkey and Benton be adopted.

On page 22, beginning on line 24, after "(11)" strike all material through "(12))" on line 37, and insert "Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11); and

(12)"

On page 22, line 38, after "under" strike "~~(RCW 48.135.060)~~ section 8 of this act" and insert "RCW 48.135.060"

On page 22, after line 38, insert the following:
"(13) Documents, materials, or information obtained by the insurance commissioner under section 8 of this act;"

On page 23, line 1, strike "(12)" and insert "(14)"

On page 23, line 4, strike "(13)" and insert "(15)"

Senator Berkey spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Berkey and Benton on page 22, line 24 to Substitute Senate Bill No. 5717.

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

MOTION

On motion of Senator Berkey, the rules were suspended, Engrossed Substitute Senate Bill No. 5717 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Benton 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. 5717.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5717 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, 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, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Carrell and Pflug - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5717, 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. 5036, by Senators Eide, Weinstein, Brown, Rockefeller, Regala, Fraser, Murray, Berkey, Kauffman, Jacobsen, Keiser, Haugen, Rasmussen, Shin, Tom and Kohl-Welles

Repealing the application of the sunset act to the intermediate driver's license program.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Bill No. 5036 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5036.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5036 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Swecker, Tom and Weinstein - 37

Voting nay: Senators Delvin, Hargrove, Hewitt, Holmquist, Honeyford, Morton, Schoesler, Sheldon, Stevens and Zarelli - 10

Excused: Senators Carrell and Pflug - 2

SENATE BILL NO. 5036, 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. 5086, by Senators Haugen, Swecker and Murray

Increasing the population threshold for state highway maintenance responsibility in cities and towns.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 5086 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Swecker spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Brown and Poulsen were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5086.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5086 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senator Morton - 1

Excused: Senators Carrell, Pflug and Poulsen - 3

SENATE BILL NO. 5086, 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. 5384, by Senators Fraser, Shin, Brandland, Delvin, Murray, Tom and Kohl-Welles

Expanding the University of Washington's and Washington State University's local borrowing authority.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5384 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5384.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5384 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, 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, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Carrell, Pflug and Poulsen - 3

SENATE BILL NO. 5384, 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. 5957, by Senator Kohl-Welles

Revising provisions relating to administrative practices concerning the information processing and communications systems of the legislature overseen by the joint legislative systems committee.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5957 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5957.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5957 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

FIFTY-NINTH DAY, MARCH 7, 2007

2007 REGULAR SESSION

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, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Pflug and Poulsen - 2

SENATE BILL NO. 5957, 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. 5405, by Senators Carrell, Kline and McCaslin

Providing procedures for judicial orders concerning distraint of personal property.

MOTIONS

On motion of Senator Carrell, Substitute Senate Bill No. 5405 was substituted for Senate Bill No. 5405 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Carrell, the rules were suspended, Substitute Senate Bill No. 5405 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carrell spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5405.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5405 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, 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, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Poulsen - 2

SUBSTITUTE SENATE BILL NO. 5405, 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. 5401, by Senators Rasmussen, Swecker, Shin, Schoesler and Hatfield

Licensing Christmas tree growers.

The measure was read the second time.

MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen, Brandland and Hargrove be adopted.

On page 5, after line 18, strike all material through "section." on line 21, and insert the following:

"(1) Any Christmas tree grower owning Christmas trees, whose business consists solely of retail sales to the ultimate consumer, is exempt from the requirements of this section if:

(a) The grower has less than one acre of Christmas trees; or

(b) The grower harvests, by u-cut or otherwise, fewer than four hundred Christmas trees per year."

Senator Rasmussen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen, Brandland and Hargrove on page 5, line 18 to Senate Bill No. 5401.

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

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 5401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Brandland spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5401.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5401 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senator Holmquist - 1

Excused: Senators Brown, Carrell and Poulsen - 3

ENGROSSED SENATE BILL NO. 5401, 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.

PARLIAMENTARY INQUIRY

FIFTY-NINTH DAY, MARCH 7, 2007

2007 REGULAR SESSION

Senator Benton: "We're at a lull. We're passing out amendments. Can you tell me why this? Are we at ease? Is the Senate at ease?"

whether or not the Senator is impugning the motives by referring to arrogance of the members on this side of the aisle."

REPLY BY THE PRESIDENT

REPLY BY THE PRESIDENT

President Owen: "We're at the 'mill around.' What we are is, we're just waiting for the amendments to get passed out so we can start the next bill Senator."

President Owen: "The President would remind members that in any debate you are to speak to the issue at hand and without making comments to other members about other members."

PARLIAMENTARY INQUIRY

MOTION

Senator Benton: "And that bill would be?"

Senator Brown demanded that the previous question be put. The President declared that at least two additional senators joined the demand and the demand was sustained. The President declared the question before the Senate to be the motion of Senator Brown, "Shall the main question be now put?"

REPLY BY THE PRESIDENT

President Owen: "As far as I know, that bill is Senate Bill No. 5297."

The motion by Senator Brown that the previous question be put was sustained by voice vote.

PERSONAL PRIVILEGE

Senator Benton: "My point of personal privilege is that, it is my opinion, while we're milling around waiting for all these amendments to come out, that the bill that we're about to vote on will be one of the most significant bill this Senate will vote on affecting parents rights. I wanted to alert members of the floor and members of the-----"

The President declared the question before the Senate to be the motion by Senator Eide to limit debate. The motion by Senator Eide carried and debate was limited through March 7, 2007.

POINT OF ORDER

PERSONAL PRIVILEGE

Senator Brown: "Mr. President, I would ask you to consider whether or not the Senator's remarks truly constitute a point of personal privilege or are rather remarks to a piece of legislation that is about to come before the body."

Senator McCaslin: "If we're going to get into sex we senior citizens need more than three minutes."

REPLY BY THE PRESIDENT

PERSONAL PRIVILEGE

President Owen: "Senator Benton, I do believe, that as you look at the rules on points of personal privilege, that you are exceeding the point of personal privilege, that your remarks will be more pertinent to the bill itself."

Senator Rockefeller: "Senator McCaslin, I object."

PARLIAMENTARY INQUIRY

SECOND READING

Senator Benton: "Thank you Mr. President, I appreciate your comments and I will speak to the bill when we get into debate on the bill. I just wanted to make sure that we're actually moving in that direction and wanted to alert folks to be ready for that. Thank you."

SENATE BILL NO. 5297, by Senators Haugen, Tom, Prentice, Keiser, Pridemore, Murray, Regala, Fraser, Kilmer, Rockefeller, McAuliffe, Shin, Weinstein, Kline, Marr, Kohl-Welles and Oemig

Regarding providing medically and scientifically accurate sexual health education in schools.

MOTION TO LIMIT DEBATE

MOTION

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 7, 2007."

On motion of Senator Eide, Substitute Senate Bill No. 5297 was substituted for Senate Bill No. 5297 and the substitute bill was placed on the second reading and read the second time.

Senator Schoesler spoke against the motion.

MOTION

Senator Haugen moved that the following striking amendment by Senators Haugen, McAuliffe and Brown be adopted:

Benton spoke against the motion.

Strike everything after the enacting clause and insert the following:

POINT OF ORDER

Senator Brown: "I would ask the President to consider

"NEW SECTION, Sec. 1. (1) The legislature finds that young people should have the knowledge and skills necessary to build healthy relationships, and to protect themselves from unintended pregnancy and sexually transmitted diseases, including HIV infection. The primary responsibility for sexual health education is with parents and guardians. However, this responsibility also extends to schools and other community groups. It is in the public's best interest to ensure that young people are equipped with medically and scientifically accurate, age-appropriate information that will help them avoid

FIFTY-NINTH DAY, MARCH 7, 2007

unintended pregnancies, remain free of sexually transmitted diseases, and make informed, responsible decisions throughout their lives.

(2) The legislature intends to support and advance the standards established in the January 2005 guidelines for sexual health information and disease prevention developed by the office of the superintendent of public instruction and the department of health. These guidelines are a fundamental tool to help school districts, teachers, guest speakers, health and counseling providers, community groups, parents, and guardians choose, develop, and evaluate sexual health curricula to better meet the health and safety needs of adolescents and young adults in their communities.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

(1) By September 1, 2008, every public school that offers sexual health education must assure that sexual health education is medically and scientifically accurate, age-appropriate, appropriate for students regardless of gender, race, disability status, or sexual orientation, and includes information about abstinence and other methods of preventing unintended pregnancy and sexually transmitted diseases. All sexual health information, instruction, and materials must be medically and scientifically accurate. Abstinence may not be taught to the exclusion of other materials and instruction on contraceptives and disease prevention. Sexual health education must be consistent with the January 2005 guidelines for sexual health information and disease prevention developed by the department of health and the office of the superintendent of public instruction.

(2) As used in this act, "medically and scientifically accurate" means information that is verified or supported by research in compliance with scientific methods, is published in peer-review journals, where appropriate, and is recognized as accurate and objective by professional organizations and agencies with expertise in the field of sexual health including but not limited to the American college of obstetricians and gynecologists, the Washington state department of health, and the federal centers for disease control and prevention.

(3) The superintendent of public instruction and the department of health shall make the January 2005 guidelines for sexual health information and disease prevention available to school districts, teachers, and guest speakers on their web sites. Within available resources, the superintendent of public instruction and the department of health shall make any related information, model policies, curricula, or other resources available as well.

(4) The superintendent of public instruction, in consultation with the department of health, shall develop a list of sexual health education curricula that are consistent with the 2005 guidelines for sexual health information and disease prevention. This list shall be intended to serve as a resource for schools, teachers, or any other organization or community group, and shall be updated no less frequently than annually and made available on the web sites of the office of the superintendent of public instruction and the department of health.

(5) Public schools that offer sexual health education are encouraged to review their sexual health curricula and choose a curriculum from the list developed under subsection (4) of this section. Any public school that offers sexual health education may identify, choose, or develop any other curriculum, if the curriculum chosen or developed complies with the requirements of this section.

(6) Any parent or legal guardian who wishes to have his or her child excused from any planned instruction in sexual health education may do so upon filing a written request with the school district board of directors or its designee, or the principal of the school his or her child attends, or the principal's designee. In addition, any parent or legal guardian may review the sexual health education curriculum offered in his or her child's school by filing a written request with the school district board of

2007 REGULAR SESSION

directors, the principal of the school his or her child attends, or the principal's designee.

(7) The office of the superintendent of public instruction shall, through its Washington state school health profiles survey or other existing reporting mechanism, ask public schools to identify any curricula used to provide sexual health education, and shall report the results of this inquiry to the legislature on a biennial basis, beginning with the 2008-09 school year.

(8) The requirement to report harassment, intimidation, or bullying under RCW 28A.600.480(2) applies to this section.

NEW SECTION. Sec. 3. This act may be known and cited as the healthy youth act."

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

MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen, Clements and Shin to the striking amendment be adopted:

On page 1, line 26 of the amendment, after "education" strike "must" and insert "may"

On page 2, line 2 of the amendment, after "materials" strike "must" and insert "should"

On page 2, line 3 of the amendment, after "may" strike "not"

On page 2, line 5 of the amendment, after "education" strike "must be consistent" and insert "should be as consistent as practicable"

Senators Rasmussen, Holmquist, Roach, Pflug, Sheldon, Zarelli and Benton spoke in favor of adoption of the amendment to the striking amendment.

Senators McAuliffe and Keiser spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

Senator Jacobsen demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Jacobsen, "Shall the main question be now put?"

The motion by Senator Jacobsen that the previous question be put was carried by voice vote.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen, Clements and Shin on page 1, line 26 and page 2, line 2, to the striking amendment to Substitute Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the amendment by Senators Rasmussen, Clements and Shin to the striking amendment and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, Kastama, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach,

FIFTY-NINTH DAY, MARCH 7, 2007

2007 REGULAR SESSION

Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Spanel, Tom and Weinstein - 27

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli to the striking amendment be adopted.

On page 2, line 5, after "prevention." insert "Every public school that offers comprehensive sexual health education shall offer both abstinence education and comprehensive sexual health programs. Each program may be taught as separate units and may or may not be taught in separate blocks of time."

Re-number the sections consecutively and correct any internal references accordingly.

Senators Zarelli, Holmquist, Roach, Parlette and Benton spoke in favor of adoption of the amendment to the striking amendment.

Senators Haugen and Brown spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

Senator Jacobsen demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Jacobsen, "Shall the main question be now put?"

The motion by Senator Jacobsen that the previous question be put was carried by voice vote.

Senator Zarelli again spoke in favor of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 2, line 5 to the striking amendment to Substitute Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli to the striking amendment and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hargrove, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 23

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Spanel, Tom and Weinstein - 26

MOTION

Senator Hobbs moved that the following amendment by Senator Hobbs and others to the striking amendment be adopted.

On page 2, line 5 of the amendment, after "prevention." insert "A school may choose to use separate, outside speakers or prepared curriculum to teach different content areas or units within the comprehensive sexual health program as long as all speakers, curriculum, and materials used are in compliance with this section."

Senators Hobbs, Kastama, Roach and Franklin spoke in favor of adoption of the amendment to the striking amendment.

Senators Holmquist, Shin, Zarelli and Haugen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hobbs and others on page 2, line 5 to the striking amendment to Substitute Senate Bill No. 5297.

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

WITHDRAWAL OF AMENDMENT

On motion of Senator Kastama, the amendment by Senators Kastama, Rasmussen and Shin on page 2, line 5 to the striking amendment to Substitute Senate Bill No. 5297 was withdrawn.

MOTION

Senator Holmquist moved that the following amendment by Senators Kastama, Rasmussen and Shin to the striking amendment be adopted.

On page 2, line 5 of the amendment, after "education" strike "must" and insert "may"

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

POINT OF ORDER

Senator McAuliffe: "I object to talking about bureaucrats creating a guidelines. I think that is an accusation and not necessary on the Senate floor."

REPLY BY THE PRESIDENT

President Owen: "Senator McAuliffe, her remarks to that is not inconsistent with your rules. She may speak in that fashion if she wishes. Senator Holmquist."

Senator Holmquist demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kastama, Rasmussen and Shin on page 2, line 5 to the striking amendment to Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Kastama, Rasmussen and Shin to the striking amendment and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements,

FIFTY-NINTH DAY, MARCH 7, 2007

2007 REGULAR SESSION

Delvin, Hargrove, Hewitt, Holmquist, Honeyford, Kastama, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Spanel, Tom and Weinstein - 27

Absent: Senator Shin - 1

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli to the striking amendment be adopted.

On page 2, line 5, after "prevention." insert "Every public school that offers comprehensive sexual health education shall offer both abstinence education and comprehensive sexual health programs. Each program may be taught as a separate unit provided that each unit receives equal time."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Zarelli, Holmquist, Rockefeller, Parlette and Benton spoke in favor of adoption of the amendment to the striking amendment.

Senators Haugen and McAuliffe spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 2, line 5 to the striking amendment to Substitute Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli to the striking amendment and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 22

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, Regala, Spanel, Tom and Weinstein - 27

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the striking amendment be adopted.

On page 2, line 10 after "supported by", strike all material through "health," on line 16, and insert "statistically significant research in compliance with scientific methods, and is recognized as accurate and objective by medical textbooks, by the American college of obstetricians and gynecologists,"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Pflug and Carrell spoke in favor of adoption of the amendment to the striking amendment.

Senator Franklin spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 2, line 10 to the striking amendment to Substitute Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Pflug to the striking amendment and the amendment to was not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 20

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, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 29

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli to the striking amendment be adopted.

On page 3, line 2, after "complies with" strike "the requirements of this section" and insert "information about abstinence or other materials and instruction on contraceptives and disease prevention"

Renumber the sections consecutively and correct any internal references accordingly.

Senator Zarelli spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Haugen spoke against adoption of the amendment to the striking amendment.

Senator Holmquist spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 3, line 2 to the striking amendment to Substitute Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli to the striking amendment and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 21

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,

FIFTY-NINTH DAY, MARCH 7, 2007

2007 REGULAR SESSION

Regala, Rockefeller, Spanel, Tom and Weinstein - 28

Spanel, Tom and Weinstein - 27

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist to the striking amendment be adopted.

On page 3, line 3, after "(6)" insert the following "The superintendent of the school district shall notify parents or guardians that their students will be receiving sexual health education, and shall present the curricula and materials to parents at a public meeting. The notification and the public meeting must occur at least one month prior to the beginning of classroom instruction."

Reumber the sections consecutively and correct any internal references accordingly.

Senator Holmquist spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senators Morton and Benton spoke in favor of adoption of the amendment to the striking amendment.

Senator Haugen spoke against adoption of the amendment to the striking amendment.

POINT OF ORDER

Senator Rockefeller: "To guess that the speaker is impugning the motives of the rest of us. I don't happen to agree with it."

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, please make sure your remarks are relative to the amendment not the motives of the members."

Senator Brown spoke against adoption of the amendment to the striking amendment.

Senators Roach and Clements spoke in favor of the amendment to the striking amendment.

Senator Holmquist again spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 3, line 3 to the striking amendment to Substitute Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Holmquist to the striking amendment and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, Kastama, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 22

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

MOTION

Senator Clements moved that the following amendment by Senator Clements to the striking amendment be adopted.

On page 3, strike all of line 18 and 19 and insert the following:

"Sec. 3. RCW 28A.600.480 and 2002 c 207 s 4 are each amended to read as follows:

(1) No school employee, student, or volunteer may engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying.

(2) A school employee, student, or volunteer who has witnessed, or has reliable information that a student has been subjected to, harassment, intimidation, or bullying, whether verbal or physical, ~~((is encouraged to))~~ including as a result of being excused from any planned instruction in sexual health education, shall report such incident to an appropriate school official.

(3) A school employee, student, or volunteer who promptly reports an incident of harassment, intimidation, or bullying to an appropriate school official, and who makes this report in compliance with the procedures in the district's policy prohibiting bullying, harassment, or intimidation, is immune from a cause of action for damages arising from any failure to remedy the reported incident."

Reumber the sections consecutively and correct any internal references accordingly.

On page 3, line 22 strike the title amendment.

Senator Clements spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Haugen spoke against adoption of the amendment to the striking amendment.

MOTION

On motion of Senator Parlette, Senators McCaslin and Delvin were excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Clements on page 3, line 18 to the striking amendment to Substitute Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Clements to the striking amendment and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Hargrove, Hewitt, Holmquist, Honeyford, Kastama, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 21

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray,

FIFTY-NINTH DAY, MARCH 7, 2007

Oemig, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Spanel, Tom and Weinstein - 27

Excused: Senator Delvin - 1

MOTION

Senator Roach moved that the following amendment by Senator Roach to the striking amendment be adopted.

On page 3, after line 19, insert the following:

"(9) Any teacher who submits specific written objections to any portion of the curriculum to the superintendent of the school district shall be permitted to omit that portion of the curriculum from his or her classroom instruction."

Re-number the sections consecutively and correct any internal references accordingly.

Senator Roach spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 3, line 19 to the striking amendment to Substitute Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Roach to the striking amendment and the amendment was not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Hargrove, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

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, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 29

Excused: Senator Delvin - 1

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist to the striking amendment be adopted.

On page 3, after line 21, insert the following:

"NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Re-number the sections consecutively and correct any internal references accordingly.

Senator Holmquist spoke in favor of adoption of the amendment to the striking amendment.

Senator McAuliffe spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

POINT OF INQUIRY

2007 REGULAR SESSION

Senator Holmquist: "Would the good lady chair of Early Learning, K-12 Committee yield to a question?"

Senator McAuliffe: "No."

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 3, line 21 to the striking amendment to Substitute Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Holmquist to the striking amendment and the amendment was not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 20

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, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 29

MOTION

Senator Roach moved that the following amendment by Senator Roach to the striking amendment be adopted.

On page 3 after line 19 of the striking amendment, insert the following:

"(9) The Superintendent of public instruction shall develop an email, fax, and/or written method for parents or guardians to communicate permission for a student to take part in mandated instruction in sex education. Without the permission of a parent or guardian a student may not be taught the sex education curriculum."

Senator Roach spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 3, line 19 to the striking amendment to Substitute Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Roach to the striking amendment and the amendment was not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Stevens, Swecker and Zarelli - 19

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

Absent: Senator Kastama - 1

FIFTY-NINTH DAY, MARCH 7, 2007

2007 REGULAR SESSION

The President declared the question before the Senate to be the adoption of the striking amendment as amended by Senators Haugen, McAuliffe and Brown to Substitute Senate Bill No. 5297.

The motion by Senator Haugen carried and the striking amendment as amended was adopted by voice vote.

MOTION

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

On page 1, line 2 of the title, after "schools;" strike "amending RCW 28A.600.480;"

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5297 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen spoke in favor of passage of the bill.

Senators Schoesler, Hargrove, Swecker, Rasmussen, Stevens, Shin, Honeyford and Roach spoke against passage of the bill.

POINT OF ORDER

Senator Haugen: "I would ask the speaker not to impugn our motives for introducing this legislation. Some of us do not consider ourselves the far left."

REPLY BY THE PRESIDENT

President Owen: "Senator Roach, please keep your remarks to the bill at hand. Senator Roach."

Senators Kastama and Franklin spoke in favor of passage of the bill.

Senators Benton and Carrell spoke against passage of the bill.

MOTION

Senator Weinstein demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator Holmquist: "Is it appropriate to speak against the motion before us?"

REPLY BY THE PRESIDENT

President Owen: "It's not debateable."

PARLIAMENTARY INQUIRY

Senator Holmquist: "Thank you Mr. President. May the Ranking Republican member on Early Learning & K-12 have an opportunity to close debate?"

REPLY BY THE PRESIDENT

President Owen: "No."

REMARKS BY THE PRESIDENT

President Owen: "Senator Holmquist, for clarification: The rule is, at least our understanding of the rule is, that the person who opens the debate or is lead, in this case Senator Haugen, may close, as well when you have a motion to cut off debate."

PARLIAMENTARY INQUIRY

Senator Holmquist: "Thank you Mr. President. I guess point of inquiry maybe. Is it customary to close debate without allowing ranking members to speak to the passage of the bill?"

REPLY BY THE PRESIDENT

President Owen: "When you have passed a motion to close debate, yes, that is correct. It is not only customary, it is the rules."

The President declared the question before the Senate to be the motion of Senator Weinstein, "Shall the main question be now put?"

The motion by Senator Weinstein that the previous question be put was carried by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5297 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Spanel, Tom and Weinstein - 30

Voting nay: Senators Benton, Carrell, Clements, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Rasmussen, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 19

ENGROSSED SUBSTITUTE SENATE BILL NO. 5297, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 5297 was immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

SECOND READING

SENATE BILL NO. 5190, by Senators Hargrove, McCaslin and Shin

Modifying provisions relating to the collection of legal financial obligations.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5190 was substituted for Senate Bill No. 5190 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Benton, Carrell, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Schoesler, Stevens, Swecker and Zarelli were excused.

MOTION

On motion of Senator Regala, Senator Jacobsen was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5190.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5190 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Tom and Weinstein - 40

Excused: Senators Delvin, Hewitt, Holmquist, Honeyford, Jacobsen, McCaslin, Stevens, Swecker and Zarelli - 9

SUBSTITUTE SENATE BILL NO. 5190, 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 8:48 p.m., on motion of Senator Eide, the Senate adjourned until 9:45 a.m. Thursday, March 7, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-NINTH DAY, MARCH 7, 2007

2007 REGULAR SESSION

President Signed	4	Messages	5
Speaker Signed	4	2090	Messages
1032-S	Messages	2119	Messages
1047-S	Messages	2154	Messages
1088-S2	Messages	2225-S	Messages
1114-S	Messages	2281	Messages
1131-S	Messages	2283	Messages
1192-S	Messages	2312-S	Messages
1201-S2	Messages	2319	Messages
1230	Messages	5036	Second Reading
1242-S2	Messages		Third Reading Final Passage
1244-S	Messages	5086	Second Reading
1259-S	Messages		Third Reading Final Passage
1287-S	Messages	5090	Second Reading
1311	Messages	5090-S2	Second Reading
1312-S	Messages		Third Reading Final Passage
1331	Messages	5092	Second Reading
1333-S	Messages	5092-S2	Second Reading
1334-S2	Messages		Third Reading Final Passage
1343	Messages	5093-S2	Messages
1344	Messages		President Signed
1347	Messages		Speaker Signed
1397-S	Messages	5171	Second Reading
1416	Messages	5171-S	Second Reading
1447	Messages		Third Reading Final Passage
1449	Messages	5190	Second Reading
1543	Messages	5190-S	Second Reading
1561-S	Messages		Third Reading Final Passage
1599	Messages	5199	Second Reading
1674	Messages		Third Reading Final Passage
1716-S2	Messages	5228	Second Reading
1722	Messages	5228-S	Second Reading
1777-S	Messages		Third Reading Final Passage
1848-S	Messages	5243	Second Reading
1922-S2	Messages	5243-S	Second Reading
1940	Messages		Third Reading Final Passage
1972	Messages	5260	Second Reading
			Third Reading Final Passage
		5264	Second Reading
			Third Reading Final Passage
		5297	Second Reading
		5297-S	Other Action
			Second Reading

Third Reading Final Passage 21

5351 Second Reading 8
Third Reading Final Passage 8

5384 Second Reading 13
Third Reading Final Passage 13

5385 Second Reading 8
Third Reading Final Passage 8

5401 Second Reading 14
Third Reading Final Passage 14

5405 Second Reading 14

5405-S Second Reading 14
Third Reading Final Passage 14

5461 Second Reading 6

5461-S Second Reading 6
Third Reading Final Passage 6

5463 Second Reading 10

5463-S Second Reading 10
Third Reading Final Passage 10

5468 Second Reading 10
Third Reading Final Passage 11

5475 Second Reading 11

5475-S Second Reading 11
Third Reading Final Passage 11

5483 Second Reading 10

5483-S Second Reading 10
Third Reading Final Passage 10

5635 Second Reading 11
Third Reading Final Passage 11

5715 Second Reading 11

5715-S Second Reading 11
Third Reading Final Passage 12

5717 Second Reading 12

5717-S Second Reading 12
Third Reading Final Passage 12

5957 Second Reading 13
Third Reading Final Passage 13

6147 Introduction & 1st Reading 1

8012 Second Reading 7

8012-S Second Reading 7
Third Reading Final Passage 7

8614 Adopted 3
Introduced 3

8646 Adopted 4
Introduced 3

9025 William Hanson

Confirmed 3

9054 Robert C. Petersen
Confirmed 2

9062 Robert Scarbrough
Confirmed 3

9064 Eliot Scull
Confirmed 2

9077 Cecilia Vogt
Confirmed 2

9166 Mason Pettit
Confirmed 1

9208, Glenn Gorton
Confirmed 1

9209, David Scott
Confirmed 2

9210 Fred Olson
Confirmed 2

9229 Fred A. Shiosaki
Confirmed 1

9248 Joe Taller
Confirmed 2

PRESIDENT OF THE SENATE
Intro. Special Guests, Passport for Change Representatives 3
Remarks by the President 21
Reply by the President 15, 17, 19, 21

WASHINGTON STATE SENATE
Parliamentary Inquiry, Senator Benton 15
Parliamentary Inquiry, Senator Holmquist 21
Personal Privilege, Senator Benton 15
Personal Privilege, Senator McCaslin 15
Personal Privilege, Senator Rockefeller 15
Point of Inquiry, Senator Holmquist 20
Point of Order, Senator Brown 15
Point of Order, Senator Haugen 21
Point of Order, Senator McAuliffe 17
Point of Order, Senator Rockefeller 19