

FORTIETH DAY, FEBRUARY 20, 2009

2009 REGULAR SESSION

## FORTIETH DAY

## MORNING SESSION

Senate Chamber, Olympia, Friday, February 20, 2009

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

The Sergeant at Arms Color Guard consisting of Pages Cameron Ford and Kenley O'Hanlon, presented the Colors. Reverend Dr. Donald Mayar, retired Pastor of the Eagle Harbor United Church of Christ of Bainbridge Island 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

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

## REPORTS OF STANDING COMMITTEES

February 19, 2009

SB 5189 Prime Sponsor, Senator Kohl-Welles: Expanding the list of crimes that require dismissal or certificate revocation for school employees. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Kauffman, Vice Chair, Early Learning.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5193 Prime Sponsor, Senator Delvin: Allowing a nonresident alien to possess weapons when hunting with a Washington-licensed hunter. Reported by Committee on Natural Resources, Ocean & Recreation

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

Passed to Committee on Rules for second reading.

February 17, 2009

SB 5208 Prime Sponsor, Senator Brandland: Ensuring punishment for domestic violence offenders. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5208 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Hargrove; Kohl-Welles; Roach and Tom.

Passed to Committee on Ways & Means.

February 19, 2009

SB 5255 Prime Sponsor, Senator Jacobsen: Regarding

aquatic lands lease rates for marinas. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5255 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Ways & Means.

February 19, 2009

SB 5282 Prime Sponsor, Senator Keiser: Regarding the use of bisphenol A. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5282 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley; Marr and Murray.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Pflug; Becker and Parlette.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5401 Prime Sponsor, Senator Morton: Expanding the riparian open space program to include lands that contain habitat of species that are federally listed as threatened or endangered. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5401 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove; Hatfield; Stevens and Swecker.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5415 Prime Sponsor, Senator Benton: Regulating persons selling, soliciting, or negotiating insurance. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5416 Prime Sponsor, Senator Berkey: Expanding the scope of business continuity plans for domestic insurers. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5416 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin and McDermott.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Parlette and Schoesler.

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Passed to Committee on Rules for second reading.

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SB 5484 Prime Sponsor, Senator Marr: Concerning developmental screening. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5484 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley; Marr and Murray.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Pflug; Becker and Parlette.

Passed to Committee on Ways & Means.

February 18, 2009

SB 5530 Prime Sponsor, Senator Hobbs: Creating the guaranteed asset protection waiver model act. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5530 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5624 Prime Sponsor, Senator Kauffman: Restricting the use of mechanical restraints and chemical sprays for discipline in public schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5624 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Jarrett; McDermott and Tom.

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

Passed to Committee on Ways & Means.

February 18, 2009

SB 5659 Prime Sponsor, Senator Berkey: Authorizing the consideration of mitigating factors for enforcement actions under the mortgage broker practices act. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5659 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5661 Prime Sponsor, Senator Pridemore: Exempting the annual parental declaration of intent to home school from the public disclosure act. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early

Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott and Tom.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5670 Prime Sponsor, Senator Berkey: Addressing insurance, generally. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5695 Prime Sponsor, Senator Oemig: Authorizing the Washington state patrol to accept donations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King and Ranker.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5714 Prime Sponsor, Senator Tom: Providing conditional funding for teachers to pursue national board for professional teaching standards certification. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Holmquist; Jarrett; McDermott and Tom.

Passed to Committee on Ways & Means.

February 18, 2009

SB 5719 Prime Sponsor, Senator Swecker: Modifying title and registration requirements for kit vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5719 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King and Ranker.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5725 Prime Sponsor, Senator Keiser: Concerning health benefit plan coverage for organ transplants. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5725 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Fairley; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

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SB 5730 Prime Sponsor, Senator Keiser: Enhancing

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federal financing of health coverage. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5730 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley; Marr and Murray.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Pflug; Becker and Parlette.

Passed to Committee on Ways & Means.

February 18, 2009

SB 5768 Prime Sponsor, Senator Murray: Concerning the state route number 99 Alaskan Way viaduct replacement project. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5768 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; King and Ranker.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5802 Prime Sponsor, Senator Oemig: Changing professional educator standards board provisions. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5802 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Jarrett; McDermott and Tom.

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

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5843 Prime Sponsor, Senator Pridemore: Identifying qualified applicants and procedures within the Washington wildlife and recreation program. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5843 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Fraser; Hargrove and Swecker.

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

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5883 Prime Sponsor, Senator Kline: Studying the linked deposit program. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin and McDermott.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5890 Prime Sponsor, Senator McDermott: Providing flexibility in the education system. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5890 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King; Brandland; Hobbs; Jarrett; McDermott and Tom.

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

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5893 Prime Sponsor, Senator Berkey: Concerning actions by insurance companies against violators. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5893 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5894 Prime Sponsor, Senator Haugen: Authorizing the utilities and transportation commission to forbear from rate and service regulation of certain transportation services. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5894 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Jarrett; Kastama; Kauffman; Kilmer; King and Ranker.

Passed to Committee on Rules for second reading.

February 18, 2009

SB 5928 Prime Sponsor, Senator Brown: Concerning the powers of the public deposit protection commission in regard to banks, savings banks, and savings associations as public depositaries. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5928 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin and McDermott.

Passed to Committee on Rules for second reading.

February 19, 2009

SB 5957 Prime Sponsor, Senator Jacobsen: Regarding the department of natural resources' authority for transactions involving certain commercial lands, natural resource lands, or forest lands at risk of development. Reported by Committee on Natural Resources, Ocean & Recreation

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

Passed to Committee on Ways & Means.

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with the exception of Senate Bill No. 5714 which was referred to the Committee on Ways & Means.

February 19, 2009  
SB 5979 Prime Sponsor, Senator Hargrove: Authorizing the department of natural resources to conduct a forest biomass energy demonstration project. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton; Hatfield and Stevens.

Passed to Committee on Rules for second reading.

February 18, 2009  
SB 6033 Prime Sponsor, Senator Berkey: Creating the prevent or reduce owner-occupied foreclosure program. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

February 19, 2009  
SCR 8406 Prime Sponsor, Senator Kastama: Resolving to adopt "The Washington Innovation Economy" as the state's economic development policy. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide and Kilmer.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 19, 2009  
SGA 9062 BRUCE KENDALL, appointed on September 15, 2008, for the term ending at the governors pleasure, as Chair of the Economic Development Commission. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide and McCaslin.

Passed to Committee on Rules for second reading.

February 19, 2009  
SGA 9125 ROBYN TODD, appointed on April 12, 2007, for the term ending October 1, 2010, as Member of the Small Business Export Finance Assistance Center Board of Directors. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kastama, Chair; Shin, Vice Chair; Zarelli; Delvin; Eide; Kilmer and McCaslin.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated

#### MOTION

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

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

February 19, 2009  
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
 Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JOHN K. MCVAY, reappointed October 20, 2008, for the term ending March 26, 2012, as Member of the Higher Education Facilities Authority.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

#### MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 6065 by Senators Fairley and Shin

AN ACT Relating to the structure and authority of the liquor control board; amending RCW 66.04.010, 66.08.012, 66.08.014, 66.08.022, 66.08.050, 66.08.0501, 66.08.150, and 66.08.166; adding a new section to chapter 66.08 RCW; repealing RCW 66.08.020; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 6066 by Senators Marr, Ranker, Jarrett and Brown

AN ACT Relating to studded tires; amending RCW 46.37.420 and 46.37.4216; reenacting and amending RCW 47.36.250; adding new sections to chapter 47.01 RCW; repealing RCW 46.37.4215 and 46.04.272; and providing effective dates.

Referred to Committee on Transportation.

SB 6067 by Senator Kline

AN ACT Relating to delayed sentencing for offenders with a standard range under one year; amending RCW 9.94A.500; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Judiciary.

SB 6068 by Senators Swecker, Haugen, King and Shin

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AN ACT Relating to the definition of "conviction" for purposes of the uniform commercial driver's license act; amending RCW 46.20.270; and reenacting and amending RCW 46.25.010.

Referred to Committee on Transportation.

SB 6069 by Senators Pridemore and Kline

AN ACT Relating to tax incentives for renewable energy manufacturing facilities; amending RCW 82.32.5351; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Environment, Water & Energy.

SB 6070 by Senator Hatfield

AN ACT Relating to disposal of dredged riverbed materials from the Mt. St. Helen's eruption; and amending RCW 79.140.120.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6071 by Senator Haugen

AN ACT Relating to foster parent training on autistic children; and amending RCW 74.13.310.

Referred to Committee on Human Services & Corrections.

SB 6072 by Senator Hobbs

AN ACT Relating to a state route number 9 Snohomish river bridge environmental planning process and design; adding a new section to chapter 47.01 RCW; creating a new section; and making an appropriation.

Referred to Committee on Transportation.

SB 6073 by Senators Oemig, Shin, Roach, Jarrett and McDermott

AN ACT Relating to profoundly capable divergent students; amending RCW 28A.155.010, 28A.155.020, and 28A.150.390; adding a new section to chapter 28A.155 RCW; and creating a new section.

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

MOTION

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

MOTION

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

MOTION

On motion of Senator Marr, Senator Jacobsen was excused.

SECOND READING

SENATE BILL NO. 5553, by Senators Kilmer, Delvin, Kastama, Shin, Hobbs, Marr, Tom, McAuliffe, Kohl-Welles and Pridemore

Promoting economic development through promoting innovation and the commercialization of technologies.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5553 was substituted for Senate Bill No. 5553 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5553 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5553.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5553 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Jacobsen

SUBSTITUTE SENATE BILL NO. 5553, 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. 5555, by Senators Kilmer, Shin, King, Marr, Jarrett, McAuliffe, Hobbs, Tom and Kohl-Welles

Establishing a lifelong learning account steering committee. Revised for 1st Substitute: Regarding lifelong learning accounts.

MOTION

On motion of Senator Kilmer, Substitute Senate Bill No. 5555 was substituted for Senate Bill No. 5555 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** Lifelong learning accounts are portable employee-owned and employer-matched savings accounts dedicated to covering the cost of tuition, fees, books,

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supplies, and equipment for working adults seeking education and training to improve their position in the workforce. The legislature finds that lifelong learning accounts allow employers and workers to coinvest in their futures. The legislature further finds that, combined with free career advising, lifelong learning accounts can make a significant difference in the lives of workers and their families, as well as for employers in need of well-trained workers. The legislature intends to facilitate the creating of lifelong learning accounts for workers in the state of Washington.

NEW SECTION. Sec. 2. A new section is added to chapter 28C.18 RCW to read as follows:

(1) The board shall establish a state lifelong learning account steering committee. The steering committee shall consist of representatives from: (a) The association of Washington business; (b) the higher education coordinating board; (c) the state board for community and technical colleges; (d) the department of community, trade, and economic development; (e) the Washington state hospital association; (f) the Northwest career colleges federation; (g) the Pacific mountain workforce development council; (h) the state and regional AFL-CIO and SEIU; and (i) other business and labor representatives.

(2) The steering committee shall: (a) Develop a policy framework to establish a statewide lifelong learning account program; (b) identify technical and budget issues along with recommendations on how to resolve them; (c) study methods for continuing outreach to workers, employers, and foundations, willing to participate in and fund lifelong learning accounts; (d) explore career advising options including online tools; and (e) design a performance accountability system.

(3) The steering committee shall receive staff and logistical support from the board.

(4) The steering committee shall report to the appropriate committees of the legislature by September 1, 2010, and every two years thereafter, regarding the numbers and characteristics of participating workers and employers, the status of outreach efforts, and other appropriate performance outcome measures identified by the steering committee.

NEW SECTION. Sec. 3. A new section is added to chapter 28C.18 RCW to read as follows:

The board may solicit, accept, receive, and administer federal funds or private funds, in trust or otherwise, and contract with foundations or with for-profit or nonprofit organizations to support the establishment of the state lifelong learning account program."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kilmer to Substitute Senate Bill No. 5555.

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

#### MOTION

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

On page 1, beginning on line 1 of the title, after "accounts;" strike the remainder of the title and insert "adding new sections to chapter 28C.18 RCW; and creating a new section."

#### MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Substitute Senate Bill No. 5555 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer and Becker 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. 5555.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5555 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens and Swecker

Voting nay: Senator Zarelli

Absent: Senator Tom

Excused: Senator Jacobsen

ENGROSSED SUBSTITUTE SENATE BILL NO. 5555, 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. 5316, by Senators Jarrett, Kilmer, Delvin, Kastama, Jacobsen, Shin and Pflug

Changing the timeline for the state comprehensive plan for workforce training and education.

The measure was read the second time.

#### MOTION

On motion of Senator Jarrett, the rules were suspended, Senate Bill No. 5316 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett 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. 5316.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5316 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Jacobsen

SENATE BILL NO. 5316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

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Senator Pridemore: "I just wanted to observe Mr. President that it's a shame that Senator Kilmer couldn't be on the floor right now. He does a great impression of Senator Jarrett, unfortunately it takes about thirty minutes to do. In the interest of showing Senator Jarrett how to do things I'm going to be quiet now. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Schoesler: "Previous bill, Mr. President. I'm so impressed that such a vital piece of legislation is come before this body. I find it amazing that our Higher Education system has survived for over a hundred years without this type of planning going into it. And I'm really appreciative but, like the previous speaker, it seems to me that the speech might have been longer than the bill. I'm not certain. I haven't timed how long it would take to read the bill out loud but I think it's close. I guess the new member is here. We should welcome him. Observe and note the changes in his career and hope that the one change that doesn't come is allegiance to a different research university. Thank you."

PERSONAL PRIVILEGE

Senator Oemig: "Mr. President, I just want to comment that I sit on a committee with the new Senator and those of us that share that committee we're actually surprised he's finished already. In fact we're also surprised that occasionally on that committee we hear testimony that's a little bit, shall we say, uninteresting and the new Senator makes it even more boring. We think he's really smart but we're not actually quite sure because we can't understand what he says half of the time. It's so bad that members in the House, his former colleagues say that they use to follow him around and translate for him. We were, recently, we were in a joint meeting with members of the lower chamber and one of the members respected the newly minted Senator's new stature and was a bit hesitant but there was a question and the new Senator at great length responded and then the House members said, 'That's Fred's way of saying yes, he agrees with you.' So we all got a chuckle and I thought about it and actually it was right, that was a way to say yes. Anyway, the new Senator replaces a Senator who was, who could talk a lot too, more kind of seat of the pants angry kind of talk but I think the reaction to the current Senator is more likely to put us to sleep but we will benefit from his very analytical and thoughtful treatment of issues after staff explains what the heck he meant."

PERSONAL PRIVILEGE

Senator Hobbs: "Mr. President, I would just like to apologize. I came running in here late. I'm really tired. I didn't get to bed until 1 a.m. last night. I ran into Senator Jarrett at the Water Street Cafe at around seven p.m. I said 'Hey Fred, how's it going?' and he told me."

PERSONAL PRIVILEGE

Senator Marr: "Thank you Mr. President. I certainly appreciate Senator Schoesler's remarks, I know he's considering some career moves that Senator Jarrett has made in the past on his own behalf. We calculate by the year 3218 Senator Schoesler may switch parties. We know there are two great mysteries of the world, number one, where elephants go to die and secondly what Fred Jarrett does for fun. It's been suggested that Fred is a man who rotates his tires for laughs. That when he made a bird house I'm told by his wife that he had made four sets of drawings with seven revisions. Any of you that have seen inside his briefcase know that there's a philips screwdriver, a half eaten peanut butter sandwich and a copy of quantum physics inside.

We are know and greatly fear, in fact many of us quake in our shoes to think of the four worst words a senator could hear, and that's when Fred Jarrett say, 'I read your bill,' because Fred probably has. Mr. President, I will say that I appreciate his passion. He's got a mind like a steel trap as Senator Hobbs knows and doesn't let go and but he's a great addition of the chamber and I appreciate the chance to serve with him."

PERSONAL PRIVILEGE

Senator Pflug: "Thank you Mr. President. Well, I think it's entirely appropriate that our new member's first bill would be on a subject of Higher Ed and those of us who serve with him on the committee are getting a refresher on what it's like to be a student and to attend some of those long lectures that we remember from our own undergraduate education. So, I just think that it is very appropriate for us to welcome the good professor from the forty-first to the body."

PERSONAL PRIVILEGE

Senator Jarrett: "Well, my question for the good President, could you make sure that TVW tapes are destroyed so that there are no repeats that my family can see?"

REPLY BY THE PRESIDENT

President Owen: "No."

PERSONAL PRIVILEGE

Senator Roach: "Well, I wanted to just say that I've known Senator Jarrett. We went to China together a couple of years ago when, kind of a mission of senators, house members, both parties. I think he was in the other party at the time. We went to China and on the way back we landed in Vancouver, B. C. and the idea was to work your way to the Vancouver, B. C. port of entry over to get to a flight that would take us back to Seattle. Everybody got off the plane and everybody made it to that portal to go to Seattle but Senator Jarrett and I. So, as smart as you think he is and as smart as some of you think I think I am, we did not get, we waited like five hours for the next flight, we were tired. But, we do have a lot in common and that is we drive the same kind of vehicle and I'm telling you what, we know how to have a good time in the summer. Take care and glad to have you here."

MOTION

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

PERSONAL PRIVILEGE

Senator Jarrett: "Thank you Mr. President. The Sergeant at Arms should be passing out a higher education gift for everyone. It is a memory card with a Power Point presentation explaining why Bellevue Community College should become Bellevue College. I hope that you all enjoy your weekend over a Power Point and a bright cathode ray display screen that keeps you warm in this cold winter."

PERSONAL PRIVILEGE

Senator Delvin: "Well, I just remembered the member that Senator Jarrett and his gift after his first speech was I think I still have it in my office, it was some silly thing about, kind of like this but I think it dealt with commuting traffic or something. Do

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you remember that Mr. President? I want to know if we can exchange.”

PERSONAL PRIVILEGE

Senator McAuliffe: “Thank you Mr. President. And with your permission I will read this letter, ‘The Thurston County Food Bank would like to extend our gratitude to you and your senate colleagues for the donation of thirty-two dozen eggs to our food bank. Eggs are one of the foods that our clients cherish, they are rarely donated and expensive to buy. Because we are serving more people than before, we need to evaluate every purchase. Your thoughtfulness was a gift to our clients as well as to the food bank. Robert Cult, Executive Director of Thurston County Food Bank.’”

MOTION

Senator Haugen moved adoption of the following resolution:

SENATE RESOLUTION  
8634

By Senators Haugen, Swecker, King, Sheldon, Kauffman, Becker, Ranker, Marr, Jarrett, Berkey, Delvin, Eide, Kilmer, and Kastama

WHEREAS, The Washington state patrol is primarily responsible for traffic law enforcement, collision investigation, and motorist assistance on seventeen thousand five hundred twenty-four miles of state and interstate highways in Washington state; and

WHEREAS, The department of transportation, created in 1977, is the single statewide agency responsible for maintaining our state's transportation system; and

WHEREAS, In the first three days of December 2007, western Washington experienced a series of three storms, starting with snow and ending with record or near-record twenty-four hour precipitation totals; and

WHEREAS, Major flooding occurred in Washington, with about ten sites reaching all-time record high flood stage levels; and

WHEREAS, President Bush made a federal disaster declaration for Grays Harbor, Kitsap, Lewis, Mason, Pacific, and Thurston counties; and

WHEREAS, When floodwaters peaked in December 2007, nearly sixty separate locations on roads in southwest Washington were closed due to mud slides, standing water, and downed trees and power lines, including twenty miles of Interstate 5 near Chehalis, which was closed for four days; and

WHEREAS, After the floodwaters peaked, the department of transportation reduced the number of road closures in southwest Washington by two-thirds within about twenty-four hours; and

WHEREAS, The Washington state patrol worked three thousand four hundred sixty-nine regular time hours and one thousand two hundred forty-six overtime hours to assist residents during the floods; and

WHEREAS, Starting December 12, 2008, through early January 2009, record snow levels fell in virtually every part of Washington and many areas experienced record low temperatures; and

WHEREAS, During the 2008-2009 snow event, the department of transportation placed about forty-four thousand tons of liquid and solid deicers and thirty-two thousand tons of sand on state routes throughout Washington; and

WHEREAS, The department of transportation sent ten operators and five plow trucks from the Olympic region to the

Eastern region to assist Spokane county, for which December 2008 is the snowiest month on record; and

WHEREAS, The Washington state patrol worked eight thousand three hundred nineteen regular time hours and two thousand four hundred nineteen overtime hours to assist motorists during the snowstorms; and

WHEREAS, High precipitation totals, with the highest on January 7, 2009, occurring in Mason, Grays Harbor, and Thurston counties, followed the snow in the first week of January 2009, which combined with melting snow to cause significant flooding, avalanches, rock falls, and mud slides around the state, including multiple mud slides in Skagit county; and

WHEREAS, Streamflow in both western and eastern Washington was high, and on January 9, 2009, six rivers in Washington had record or near-record crest levels, including the Stillaguamish river, which flooded Stanwood; and

WHEREAS, In early January 2009, one hundred thirty-nine state highway segments were closed for some period of time while other areas, including Interstate 5 near Fife, had lane restrictions; and Interstate 5 between Centralia and Chehalis, all three major passes, and all state routes through southwest Washington were closed at the same time, effectively isolating the Puget Sound basin; and

WHEREAS, The Washington state patrol rescued motorists stranded by the floods, performed aerial surveys to assist the department of transportation, and worked three thousand ten regular time hours and one thousand thirteen overtime hours during the holiday season; and

WHEREAS, The department of transportation responded to the storms with over one thousand two hundred fifty employees working around the clock during the holiday season, compiling one hundred fifteen thousand hours of regular time and forty-eight thousand hours of overtime; and

WHEREAS, The department of transportation communicated with the freight community through a list serve to minimize the impact on the movement of goods; and

WHEREAS, The department of transportation went to extraordinary efforts to communicate with the public through traffic cameras, variable message signs, highway advisory radio, the world wide web, and telephone; and

WHEREAS, After the peak of the January 2009 flooding, the department of transportation reopened the majority of the closures in southwest Washington in less than two days;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and commend the employees of the Washington state department of transportation on their work to maintain our state's transportation corridors during and after the storms of 2007, 2008, and 2009, and the employees of the Washington state patrol on their efforts to assist our residents during the storms of 2007, 2008, and 2009; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Paula Hammond, Secretary of the Washington State Department of Transportation, and to Chief John R. Batiste, Chief of the Washington State Patrol.

Senators Haugen, King, Swecker, Marr, Parlette, Sheldon, Shin, Brandland and Roach spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8634.

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

MOTION

At 11:02 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, February 23, 2009.



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