

FORTIETH DAY

NOON SESSION

Senate Chamber, Olympia, February 18, 2005

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

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5094 Prime Sponsor, Jacobsen: Changing the maximum per parcel rate for conservation district special assessments. Reported by Committee on Agriculture & Rural Economic Development February 17, 2005

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen and Morton

MINORITY recommendation: Do not pass. Signed by Senators Schoesler and Sheldon

Passed to Committee on Rules for second reading.

SB 5107 Prime Sponsor, Fairley: Allowing reimbursement limits under the mobile home relocation assistance act to be set by rule. Reported by Committee on Financial Institutions, Housing & Consumer Protection February 17, 2005

MAJORITY recommendation: That Substitute Senate Bill No. 5107 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Delvin, Franklin, Keiser, Prentice and Spanel

Passed to Committee on Rules for second reading.

SB 5270 Prime Sponsor, Haugen: Assisting vessel registration enforcement. Reported by Committee on Ways & Means February 16, 2005

MAJORITY recommendation: That Substitute Senate Bill No. 5270 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

SB 5332 Prime Sponsor, Kline: Honoring the Reverend Doctor Martin Luther King, Jr. Reported by Committee on Government Operations & Elections February 17, 2005

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

Passed to Committee on Rules for second reading.

SB 5370 Prime Sponsor, Brown: Creating the economic development strategic reserve account. Reported by Committee on International Trade & Economic Development February 17, 2005

MAJORITY recommendation: That Substitute Senate Bill No. 5370 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

SB 5422 Prime Sponsor, Haugen: Providing research and services for special purpose districts. Reported by Committee on Government Operations & Elections February 15, 2005

MAJORITY recommendation: That Substitute Senate Bill No. 5422 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton and Roach

Passed to Committee on Ways & Means.

February 16, 2005

SB 5533 Prime Sponsor, Fairley: Regulating information provided to and by financial institution employers. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Delvin, Franklin, Keiser, Prentice, Schmidt and Spanel

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5566 Prime Sponsor, Hargrove: Authorizing the use of enrollment cards issued by federally recognized Indian tribes. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5566 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5612 Prime Sponsor, Berkey: Expanding programs eligible for housing assistance grants and loans. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Franklin, Keiser, Prentice and Spanel

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

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5640 Prime Sponsor, Eide: Exempting royalty income on patents and copyrights from business and occupation tax for five years. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5640 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

February 17, 2005

SB 5642 Prime Sponsor, Eide: Establishing the business and job retention and expansion program. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5642 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit and Eide

MINORITY recommendation: Do not pass. Signed by Senator Pflug

Passed to Committee on Ways & Means.

February 17, 2005

SB 5663 Prime Sponsor, Rasmussen: Changing the tax exemptions for machinery and equipment used to reduce agricultural burning. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5663 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 16, 2005

SB 5673 Prime Sponsor, Prentice: Changing provisions relating to the high technology business and occupation tax credit. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5673 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5697 Prime Sponsor, Prentice: Modifying the high technology business and occupation tax credit. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug, Roach and Zarelli

Passed to Committee on Ways & Means.

February 17, 2005

SB 5713 Prime Sponsor, Regala: Assisting tenants in multiple-unit housing proposed for rehabilitation. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Brandland, Delvin, Franklin, Prentice and Spanel

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5742 Prime Sponsor, Roach: Strengthening review and correction of county election procedures. Reported by Committee on Government Operations & Elections

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

Passed to Committee on Ways & Means.

February 17, 2005

SB 5744 Prime Sponsor, Haugen: Authorizing county-wide mail ballot elections. Reported by Committee on Government Operations & Elections

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

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5782 Prime Sponsor, Shin: Modifying provisions of the linked deposit program. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5782 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug and Roach

Passed to Committee on Ways & Means.

February 16, 2005

SB 5794 Prime Sponsor, Prentice: Authorizing the governor to enter into a cigarette tax agreement with the Puyallup Tribe of Indians. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5811 Prime Sponsor, Kohl-Welles: Encouraging the ethical transfer of technology for the economic benefit of the state. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5811 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Brown, Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Rules for second reading.

February 16, 2005

SB 5814 Prime Sponsor, Prentice: Authorizing the governor to enter into cigarette tax contracts with additional tribes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

Passed to Committee on Rules for second reading.

February 17, 2005

SB 5911 Prime Sponsor, Berkey: Excluding self-service laundry from the definition of retail sale for excise tax purposes.
Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Without recommendation. Signed by Senators Kohl-Welles, Chair; Franklin, Vice Chair; Honeyford, Keiser, Parlette and Prentice

Passed to Committee on Ways & Means.

February 17, 2005

SB 5918 Prime Sponsor, Shin: Providing economic development tax credits for employee training. Reported by Committee on International Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Sheldon, Vice Chair; Doumit, Eide, Pflug and Roach

Passed to Committee on Ways & Means.

February 17, 2005

SJM 8012 Prime Sponsor, Prentice: Asking that the federal government provide veterans' benefits owed to Filipino veterans.
Reported by Committee on Government Operations & Elections

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

Passed to Committee on Rules for second reading.

February 16, 2005

HB 1049 Prime Sponsor, Green: Authorizing projects recommended by the public works board. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Doumit, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Thibaudeau and Zarelli

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 with the exception of Senate Bill No. 5566 which was referred to the Committee on Rules.

MOTION

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

MESSAGES FROM THE STATE OFFICES

February 1, 2005

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Department of Agriculture's 2004 Annual Report on Pesticide Investigations & Enforcement. This report is mandated under RCW 15.58.420 and RCW 17.21.350.

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

Sincerely,

Leslie Emerick, Legislative Affairs Coordinator

The Department of Agriculture's 2004 Annual Report on Pesticide Investigations & Enforcement is on file in the Office of the Secretary of the Senate.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5984 by Senator Kline

AN ACT Relating to clerk's fees for ex parte orders; and amending RCW 36.18.016.

Referred to Committee on Judiciary.

SB 5985 by Senators Kline, Franklin, Keiser and Kohl-Welles

AN ACT Relating to public disclosure of clinical trials; adding a new section to chapter 42.17 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5986 by Senators Kline, Franklin, Keiser and Kohl-Welles

AN ACT Relating to the learned intermediary doctrine for prescription products; adding a new section to chapter 7.72 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5987 by Senator Honeyford

AN ACT Relating to changing membership on the electrical board; and amending RCW 19.28.311.

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

SB 5988 by Senator Honeyford

AN ACT Relating to changing membership on the electrical board; and amending RCW 19.28.311.

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

SB 5989 by Senator Honeyford

AN ACT Relating to changing membership on the electrical board; and amending RCW 19.28.311.

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

SB 5990 by Senators Regala, Carrell, Rasmussen, Hewitt, Swecker, Franklin, Zarelli and Doumit

AN ACT Relating to a sales and use tax deferral for the construction of a historic automobile museum; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Ways & Means.

SB 5991 by Senators Franklin, Kline and Kohl-Welles

AN ACT Relating to fiscal reform; amending RCW 82.03.130, 82.03.140, 2.10.180, 2.12.090, 6.13.030, 41.24.240, 41.35.100, 41.40.052, 41.44.240, 43.43.310, 82.08.020, 84.52.065, 84.52.068, 84.52.043, 84.52.050, 36.58.150, 36.60.040, 36.69.145, 36.73.060, 36.83.030, 36.100.050, 67.38.130, 84.69.020, 39.89.020, 43.99H.060, and 43.99I.040; reenacting and amending RCW 6.15.020, 41.32.052, 41.26.053, and 84.52.010; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating new sections; recodifying RCW 84.52.068; repealing RCW 6.15.025; prescribing penalties; and providing contingent effective dates.

Referred to Committee on Ways & Means.

SB 5992 by Senators Kohl-Welles and Parlette

AN ACT Relating to the industrial injury second injury fund; amending RCW 51.44.040; and creating a new section.

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

SB 5993 by Senators Prentice, Doumit, Zarelli, Rasmussen and Kohl-Welles

AN ACT Relating to funding for crime victims' compensation; adding new sections to 2003 1st sp.s. c 25 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5994 by Senators Prentice and Rasmussen

AN ACT Relating to limiting the location and number of house-banked card rooms; amending RCW 9.46.295 and 9.46.070; and declaring an emergency.

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

SB 5995 by Senator Hargrove

AN ACT Relating to placement of children in shelter care; amending RCW 13.34.060, 13.34.065, and 13.34.130; and amending 1999 c 17 s 1 (uncodified).

Referred to Committee on Human Services & Corrections.

SB 5996 by Senator Franklin

AN ACT Relating to visitation rights for nonparents; amending RCW 26.09.240 and 26.10.160; adding a new section to chapter 26.10 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5997 by Senators Spanel and Benton

AN ACT Relating to banks, savings banks, and mutual savings banks branches; amending RCW 30.38.005, 30.38.010, 32.04.030, and 32.32.228; and adding a new section to chapter 30.38 RCW.

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

SB 5998 by Senator Jacobsen

AN ACT Relating to higher education tuition and fees; and amending RCW 28B.15.069.

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

SB 5999 by Senators Prentice and Brown

AN ACT Relating to the taxation of contracts to administer parking and business improvement areas; amending RCW 35.87A.110; adding a new section to chapter 82.04 RCW; adding a new section to chapter 35.21 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6000 by Senators Zarelli and Mulliken

AN ACT Relating to sales and use tax on privately produced trout; amending RCW 77.18.050; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways & Means.

SB 6001 by Senators Zarelli, Eide, Rockefeller, Kline and Kohl-Welles

AN ACT Relating to training regarding the use of force and physical restraints for school building administrators and other school security personnel; adding a new section to chapter 28A.300 RCW; and adding a new section to chapter 43.43 RCW.

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

SB 6002 by Senators Benton and Zarelli

AN ACT Relating to decisions by regional committees on school district organization; amending RCW 28A.315.195, 28A.315.015, and 28A.315.095; and creating a new section.

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

SB 6003 by Senator Jacobsen

AN ACT Relating to commute trip reduction tax credit; amending RCW 82.70.010, 82.70.020, 82.70.030, and 82.70.040; adding a new section to chapter 82.70 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 6004 by Senators Franklin, Kline and Kohl-Welles

AN ACT Relating to the taxation of intangible personal property; amending RCW 82.03.130 and 82.03.140; adding a new chapter to Title 82 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Ways & Means.

SB 6005 by Senators Rockefeller, Honeyford, Haugen, Regala and Kohl-Welles

AN ACT Relating to state publication preservation by state library services within the office of the secretary of state; amending RCW 27.04.045, 40.06.010, 40.06.020, 40.06.030, 40.06.040, 40.06.050, 40.07.020, and 40.07.030; and creating a new section.

Referred to Committee on Government Operations & Elections.

SJM 8018 by Senators Fraser, Parlette, Poulsen, Hewitt, Berkey, Zarelli, Prentice, Doumit, Rockefeller, Fairley, Rasmussen, Kohl-Welles, Schoesler, Brandland, Schmidt, Shin, Pridemore, Mulliken, Honeyford, Brown, Kline and Regala

Requesting that the proposal to transition the Bonneville Power Administration from cost-based rates to market-based rates be rejected.

Referred to Committee on Water, Energy & Environment.

SJR 8211 by Senators Franklin, Kline and Kohl-Welles

Amending the Constitution to allow an income tax.

Referred to Committee on Ways & Means.

SJR 8212 by Senators Franklin, Kline and Kohl-Welles

Amending the Constitution to allow the taxation of intangible personal property.

Referred to Committee on Ways & Means.

MOTION

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

SIGNED BY THE PRESIDENT

The President has signed:
SUBSTITUTE SENATE BILL NO. 5097,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5151

MOTION

At 12:03 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, February 21, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate