

**FIFTY-THIRD DAY****MORNING SESSION**

Senate Chamber, Olympia, Thursday, March 3, 2005

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Katherine Badger and Justin Wood, presented the Colors. Pastor Leon Meyer of the Calvary Baptist 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**

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

**REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS**

March 2, 2005

SGA 9144 CONNIE NIVA, appointed June 2, 2003, for the term ending September 30, 2008, as Member, Board of Regents, Washington State University. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9155 HOLLY PARKER JENSEN, appointed June 27, 2002, for the term ending July 1, 2005, as Member, Board of Trustees, State School for the Deaf. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9156 SHERRY W. PARKER, appointed December 19, 2003, for the term ending September 30, 2009, as Member, Board of Trustees, Clark Community College District No. 14. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9158 KIM PEERY, appointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees,

Clark Community College District No. 14. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Shin and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9163 KAREN L. RADEMAKER SIMPSON, appointed June 23, 2004, for the term ending May 31, 2006, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9165 KEVIN M. RAYMOND, reappointed October 1, 2003, for the term ending September 30, 2009, as Member, Board of Trustees, Western Washington University. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9171 MARTHA RICE, appointed August 10, 2004, for the term ending May 31, 2005, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9177 JAMES K. ROTTLE, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Green River Community College District No. 10. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9179 DOUG SAYAN, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Olympic Community College District No. 3. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9181 RON SCUTT, appointed June 1, 2004, for the term ending May 31, 2007, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9186 MARTIN F. SMITH, reappointed February 10, 2005, for the term ending November 28, 2008, as Member of the K-20 Educational Network Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9188 DENNIS W. STERNER, appointed June 1, 2004, for the term ending May 31, 2007, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9193 LARRY E. SWIFT, appointed July 1, 2004, for the term ending July 1, 2009, as Member, Board of Trustees, State School for the Deaf. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9200 NANCY TRUITT PIERCE, appointed October 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Everett Community College District No. 5. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9202 YVONNE ULLAS, appointed July 28, 2004, for the term ending May 31, 2008, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9207 JOHN D. WARNER, reappointed September 18, 2003, for the term ending September 30, 2009, as Member, Board of Trustees, Western Washington University. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9208 JOHN WARRING, appointed November 1, 2004, for the term ending September 30, 2009, as Member, Board of Trustees, Community College District No. 2 (Grays Harbor College). Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9209 FREDERICK WHANG, appointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Tacoma Community College District No. 22. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore,

Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9212 ELIZABETH A. WILLIS, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Pierce Community College District No. 11. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9216 BETTY WOODS, appointed October 1, 2004, for the term ending September 30, 2010, as Member, Board of Trustees, Western Washington University. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Rules for second reading.

March 2, 2005

SGA 9218 JUDY YU, reappointed November 1, 2002, for the term ending September 30, 2008, as Member, Board of Trustees, Central Washington University. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Shin and Weinstein

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6073 by Senators Kohl-Welles, Pridemore, McAuliffe, Weinstein, Brown, Kline and Jacobsen

AN ACT Relating to making appropriations to institutions of higher education to conduct comprehensive reviews of admission applications; creating new sections; and making appropriations.

Referred to Committee on Ways & Means.

SB 6074  
Jacobsen

by Senators Kohl-Welles, Thibaudeau, Kline and

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, and 43.43.310; reenacting and amending RCW 6.15.020, 41.32.052, and 41.26.053; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating a new section; repealing RCW 6.15.025; prescribing penalties; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6075 by Senators Roach, Mulliken, Swecker, Hewitt, Carrell, Parlette, Pflug, Johnson, Benson, Honeyford, Morton, Finkbeiner, Stevens and McCaslin

AN ACT Relating to election reform; amending RCW 29A.04.008, 29A.04.570, 29A.08.510, 29A.08.510, 29A.08.605, 29A.08.605, 29A.08.625, 29A.08.820, 29A.08.830, 29A.40.050, 29A.40.110, 29A.40.140, 29A.44.201, 29A.44.330, 29A.44.340, 29A.60.140, 29A.60.210, and 29A.84.720; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 29A.36 RCW; adding a new section to chapter 29A.44 RCW; adding a new section to chapter 29A.60 RCW; adding a new section to chapter 29A.64 RCW; adding a new chapter to Title 29A RCW; creating new sections; recodifying RCW 29A.40.050; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 6076 by Senators Roach, Swecker, Mulliken, Benson, Stevens, McCaslin, Johnson and Honeyford

AN ACT Relating to improving government performance and accountability; amending RCW 43.88.160; adding new sections to chapter 43.09 RCW; adding a new section to chapter 2.56 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

MOTION

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

MOTION

At 9:08 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 10:15 a.m. by President Owen.

MOTION

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

SECOND READING

SENATE BILL NO. 5275, by Senators Fairley, Benton, Regala, Kline, Franklin and Mulliken

Prohibiting the use of consumer credit histories for personal insurance renewal decisions.

MOTION

On motion of Senator Fairley, Substitute Senate Bill No. 5275 was substituted for Senate Bill No. 5275 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 2, line 37, after "(h)" insert """Prior credit history" means the credit history obtained by the insurer and used at the issuance or prior renewal of the policy.

(i)"

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

"(j) "Updated credit history" means the most recent version of any credit history obtained by an insurer since issuance or prior renewal of the policy."

On page 3, beginning on line 14, after "section." strike all material through "prohibited." on line 17, and insert "At renewal, an insurer shall not use a policyholder's updated credit history to determine premium when the updated credit history is less favorable to the policyholder than the prior credit history. Nothing in this section shall be construed to prevent an insurer from using factors other than a policyholder's updated credit score in determining premium increases, or to prevent inclusion of a policyholder's prior credit history in premium decisions at renewal."

On page 4, after line 19, insert the following:

"NEW SECTION. Sec. 2. This act takes effect December 31, 2005."

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 2, line 37 to Substitute Senate Bill No. 5275.

The motion by Senator Berkey carried and the amendment 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 "decisions;" strike the remainder of the title and insert "amending RCW 48.18.545; and providing an effective date."

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 5275 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley 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. 5275.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5275 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brown, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and

Zarelli - 38

Voting nay: Senators Benson, Brandland, Carrell, Delvin, Finkbeiner, Hewitt, Honeyford, McCaslin, Morton, Schoesler and Stevens - 11

ENGROSSED SUBSTITUTE SENATE BILL NO. 5275, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5506, by Senators Kohl-Welles, Fairley, Regala and Thibaudeau

Placing restrictions on the marketing or merchandising of credit cards to students at the state's institutions of higher education.

MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5506 was substituted for Senate Bill No. 5506 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senator Kohl-Welles and others be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.10 RCW to read as follows:

(1)(a) Subject to subsection (2) of this section, institutions of higher education shall develop policies regarding the marketing or merchandising of credit cards on institutional property to students, except as provided in newspapers, magazines, or similar publications or within any location of a financial services business regularly doing business on the institution's property.

(b) "Merchandising" means the offering of free merchandise or incentives to students as part of the credit card marketing effort.

(c) "Student" means any student enrolled for one or more credit hours at an institution of higher education.

(2) Institutions of higher education shall each develop official credit card marketing policies. The process of development of these policies must include consideration of student comments. The official credit card marketing policies must, at a minimum, include consideration of and decisions regarding:

(a) The registration of credit card marketers;

(b) Limitations on the times and locations of credit card marketing; and

(c) Prohibitions on material inducements to complete a credit card application unless the student has been provided credit card debt education literature, which includes, but is not limited to, brochures of written or electronic information.

(3)(a) The policies shall include the following elements: A requirement for credit card marketers to inform students about good credit management practices through programs developed in concert with the institution of higher education; and

(b) A requirement to make the official credit card marketing policy available to all students upon their request."

Senator Kohl-Welles 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 Kohl-Welles and others to Substitute Senate Bill No. 5506.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

MOTION

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

On page 1, line 3 of the title, after "education;" strike the remainder of the title and insert "and adding a new section to chapter 28B.10 RCW."

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 5506 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 Engrossed Substitute Senate Bill No. 5506.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5506 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 5506, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1154, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Schual-Berke, Campbell, Kirby, Jarrett, Green, Kessler, Simpson, Clibborn, Hasegawa, Appleton, Moeller, Kagi, Ormsby, Chase, McCoy, Kilmer, Williams, O'Brien, P. Sullivan, Tom, Morrell, Fromhold, Dunshee, Lantz, McIntire, Sells, Murray, Kenney, Haigh, Dameille, McDermott, Dickerson, Santos and Linville)

Requiring that insurance coverage for mental health services be at parity with medical and surgical services.

The measure was read the second time.

#### MOTION

Senator Parlette moved that the following amendment by be adopted.

On page 2, line 26, after "(2)" strike "All" and insert "By July 1, 2006, all"

On page 2, line 28, after "provide" insert "coverage for"

Beginning on page 2, line 29, beginning with "For" strike all material through "(i)" on page 3, line 22

On page 3, line 37, strike "(ii)" and insert "(b)"

On page 4, beginning on line 4, strike all material through "2002." on line 7

On page 5, line 3, after "(2)" strike "All" and insert "By July 1, 2006, all"

On page 5, line 4, after "plans" insert "for groups of more than fifty employees"

On page 5, line 5, after "provide" insert "coverage for"

On page 5, beginning on line 6, beginning with "For" strike all material through "(i)" on line 36

On page 6, line 13, strike "(ii)" and insert "(b)"

On page 6, beginning on line 17, strike all material through

"2002." on line 20

On page 7, line 9, after "(2)" strike "All" and insert "By July 1, 2006, all"

On page 7, line 9, after "plans" insert "for groups of more than fifty employees"

On page 7, line 10, after "provide" insert "coverage for"

Beginning on page 7, line 11, beginning with "For" strike all material through "(i)" on page 8, line 3

On page 8, line 18, strike "(i)" and insert "(b)"

On page 8, beginning on line 22, strike all material through "2002." on line 25

On page 9, line 14, after "(2)" strike "All" and insert "By July 1, 2006, all"

On page 9, line 14, after "plans" insert "for groups of more than fifty employees"

On page 9, line 16, after "provide" insert "coverage for"

Beginning on page 9, line 17, beginning with "For" strike all material through "(i)" on page 10, line 10

On page 10, line 25, strike "(ii)" and insert "(b)"

On page 10, beginning on line 29, strike all material through "2002." on line 32

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 11, line 20, after "(2)" strike "(a)"

On page 11, line 21, strike "January" and insert "July"

Beginning on page 11, line 23, strike all material through "(i)" on page 12, line 15 and insert "(a)"

On page 12, line 30, strike "(ii)" and insert "(b)"

On page 12, beginning on line 34, strike all material through "2002." on line 37

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senators Parlette and Deccio spoke in favor of adoption of the amendment.

Senators Thibaudeau and Keiser spoke against adoption of the amendment.

Senator Esser 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 Parlette on page 2, line 26 to Substitute House Bill No. 1154.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Parlette on page 2, line 26 to Substitute House Bill No. 1154 and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 24

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

#### MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1154 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Thibaudeau, Deccio, Brown, Parlette, Keiser, Hewitt, Franklin, Regala and Pflug spoke in favor of passage of the bill

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1154.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1154 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Deccio, Delvin, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Voting nay: Senators Benson, Carrell, Esser, Finkbeiner, Honeyford, McCaslin, Morton, Schoesler and Stevens - 9

SUBSTITUTE HOUSE BILL NO. 1154, 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. 5179, by Senators Morton, Jacobsen, Sheldon and Stevens

Studying forest health issues.

The measure was read the second time.

## MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Morton 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. 5179.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5179 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senators Doumit and Kline - 2

SENATE BILL NO. 5179, 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. 5441, by Senators Weinstein, McAuliffe, Prentice, Kohl-Welles, Eide, Berkey, Poulsen, Keiser, Brown, Fraser, Shin, Haugen, Schmidt, Kline, Rockefeller, Spanel and Rasmussen

Requiring an education and higher education finance study.

## MOTION

On motion of Senator Weinstein, Second Substitute Senate Bill No. 5441 was substituted for Senate Bill No. 5441 and the second substitute bill was placed on the second reading and read the second time.

## MOTION

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

On page 2, strike lines 15 through 32 and insert the following:

"(2) Members of the steering committee shall be limited to: The governor or the governor's designee, who shall chair the steering committee; two members from the house of representatives with one appointed by each major caucus; two members from the senate with one appointed by each major caucus; and four citizens appointed by the governor, with each citizen chosen from a list of five names submitted by each major caucus of the legislature.

(3) The steering committee shall appoint the chairs and members of the advisory committee on early learning, the advisory committee on K-12, and the advisory committee on higher education."

Senators Zarelli and Johnson spoke in favor of adoption of the amendment.

Senators Weinstein and McAuliffe spoke against Senator Esser demanded a roll call.

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

Senators Pflug, Roach, Brandland spoke in favor of adoption of the amendment.

Senator Eide spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 2, line 15 to Second Substitute Senate Bill No. 5441.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli, on page 2, line 32 to Second Substitute Senate Bill No. 5441 and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 24

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25

## MOTION

Senator Mulliken moved that the following amendment by Senator Mulliken be adopted:

On page 3, line 21, after "goals;" insert "(c) Information regarding remediation particularly in the subject areas of mathematics, science, and language arts."

On page 3, line 22, strike "(c)" and insert "(d)"

On page 3, line 25, strike "(d)" and insert "(e)"

On page 3, line 27, strike "(e)" and insert "(f)"

Senator Mulliken spoke in favor of adoption of the amendment.

Senator Weinstein spoke against adoption of the amendment.

Senator Esser demanded a roll call.

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

Senators McAuliffe spoke against adoption of the amendment.

Senators Finkbeiner and Pflug spoke in favor of adoption of the amendment.

Senator Esser withdrew the motion for a roll call.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mulliken on page 3, line 21, to Second Substitute Senate Bill No. 5441.

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

#### MOTION

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

On page 3, line 26, strike "and"

On page 3, line 32, after "paraeducators." insert the following:

"(f) Local and regional funding challenges faced by individual school districts throughout the state."

Senators Esser and Weinstein 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 Esser on page 3, line 26 to Second Substitute Senate Bill No. 5441.

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

#### MOTION

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

On page 5, beginning on line 2, strike all of subsection (5)

Senators Esser and Weinstein 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 Esser on page 5, line 2 to Second Substitute Senate Bill No. 5441.

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

#### MOTION

On motion of Senator Weinstein, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5441 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein, Schoesler and McAuliffe spoke in favor of passage of the bill.

#### MOTION

Senator Eide demanded that the previous question be put.

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

#### MOTION

Senator Esser demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand.

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

#### ROLL CALL

The Secretary called the roll on the motion by Senator Eide, "Shall the main question be now put?" and the motion passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore,

Rasmussen, Regala, Rockefeller, Shin, Spanel, Thibaudeau and Weinstein - 25.

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 24.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5441.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5441 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 31

Voting nay: Senators Benson, Benton, Brandland, Carrell, Deccio, Delvin, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Schoesler, Stevens, Swecker and Zarelli - 18

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5441, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Schmidt: "Thank you Mr. President. I need to express some concern about the previous motion. I think there are members that had legitimate amendments. There were complaints about they're taking too much time. I have serious concerns when you only limit one member on our side of the aisle to express an opinion on a bill. There were a number of us that voted for the bill and we were going to make some good statements on the bill. I have concerns when you say we can't offer legitimate amendments and take the time to debate those and entertain those and introduce them. And the concern that only one member on our side of the aisle was able to speak. I think there's concerns about that and we need to express that and that be know publically that you aren't allowing us to express our opinions. Thank you Mr. President."

#### SECOND READING

SENATE BILL NO. 5828, by Senators Eide, McAuliffe and Kohl-Welles

Regarding digital or online learning.

#### MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 5828 was substituted for Senate Bill No. 5828 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5828 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5828.

#### MOTION

At 11:57 a.m., on motion of Senator Eide, the Senate was declared to be at recess until 12:02 p.m.

The Senate was called to order at 12:02 p.m. by President Owen.

Senators Eide and Schmidt spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Hewitt, Senator Stevens was excused.

#### POINT OF INQUIRY

Senator Morton: "Will Senator Schmidt yield to a question? Senator Schmidt, I was not in committee and not a part of this discussion and dialogue to hear the testimony. I'm interested in the impact that this would have on private schools and on home schooling. Was that adequately addressed in your opinion?"

Senator Schmidt: "Thank you very much Senator Morton. Yes it was. We had an amendment in the committee that the home schoolers brought to us that we did adopt in the bill that took care of their concerns so there's clear definition between what is digital learning, learning at home verses what is the regular statutory explained. Home schools so that there wasn't a cross over and a mix up between the two and we did take care of that issue. Thank you."

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5828 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Stevens - 1

SUBSTITUTE SENATE BILL NO. 5828, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Brown: "Thank you Mr. President. On behalf of the majority party, I'd like to apologize to the minority party. We've had some quick consultation and we believe we were too hasty in cutting off debate on the bill previous to this one. Please understand that we're merely anxious to get more of these bills through the process, both on your side of the aisle and ours, but we realize that this issue of education is a paramount importance to all of us. You had some important points to make. You have helped us improve the bill already and we realize the frustration you've experience by not being able to speak on it's final passage so I just wanted to let you know that we do recognize that we acted to hastily in making that motion and we want to hear the voice of the minority especially on the education bills which is so important to all of us."

#### MOTION

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

#### MOTION

Senator Shin moved adoption of the following resolution:

#### SENATE RESOLUTION 8638

By Senators Shin, Berkey, Jacobsen, Rasmussen, Schoesler, Delvin, Carrell and Eide

WHEREAS, Pathways for Women YWCA is a group of people who strive to assist women who have endured physical, mental, emotional, and financial hardship; and

WHEREAS, Founded in an old house in Edmonds in 1976, prior to being named Pathways for Women YWCA, they were first called the World for Women; and

WHEREAS, A small group of women rooted in South Snohomish County set out to help women find counseling, education, and employment services, improve parenting and relationship skills, and escape domestic violence; and

WHEREAS, This same group of women began its housing programs to serve homeless mothers and families, one of the first of its kind in Snohomish County; and

WHEREAS, In the 1980s they changed their name to Pathways for Women; and

WHEREAS, Pathways for Women made a commitment to provide its own shelter and in 1993 constructed the 18-unit Homeward Bound Shelter in Lynnwood; and

WHEREAS, In 1995, Pathways for Women joined forces with the YWCA, sharing the common goal and mission of helping women reach self-sufficiency; and

WHEREAS, Together, the agency still maintains the Pathways for Women YWCA Homeward Bound Shelter, plus 40 units of off-site transitional housing; offers motel vouchers for families waiting for other housing; and provides homelessness prevention services such as rent and utility assistance; and

WHEREAS, Last year alone, more than 14,000 individuals of many different ethnic and cultural, religious, and economic backgrounds received services from YWCA in Snohomish County; and

WHEREAS, 509 families including 855 children received safe shelter and housing; and

WHEREAS, 688 adults received individualized employment assistance; and

WHEREAS, 1,002 individuals participated in low-cost mental health counseling; and

WHEREAS, 91 children received school supplies and clothes through

the School Days program, and 138 families, including 294 children, received food and gifts through the Holiday Adopt-A-Family Program; and

WHEREAS, Pathways for Women YWCA will continue to expand, adding additional units to the existing transitional housing program through the Trinity Way Apartments; and

WHEREAS, Pathways for Women YWCA has continuously made the effort to help improve the lives of those in need and has become a place of trust, comfort, and healing;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognize and express its appreciation for Pathways for Women YWCA for their 29 years of outstanding achievements and contributions to the citizens of Snohomish County.

Senator Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8638.

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

#### MOTION

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

#### SUPPLEMENTAL REPORTS OF STANDING COMMITTEES



SB 5192 Prime Sponsor, Delvin: Establishing the composition and jurisdiction of city and county disability boards. 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.

March 2, 2005  
SB 5193 Prime Sponsor, Pflug: Changing the membership of the executive committee of the select committee on pension policy. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

March 2, 2005  
SB 5324 Prime Sponsor, Pflug: Allowing members of the teachers' retirement system plan 1 who are employed less than full time as psychologists, social workers, nurses, physical therapists, occupational therapists, or speech language pathologists or audiologists to annualize their salaries when calculating their average final compensation. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

March 2, 2005  
SB 5330 Prime Sponsor, Shin: Creating the economic development grants program. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

March 1, 2005  
SB 5663 Prime Sponsor, Rasmussen: Changing the tax exemptions for machinery and equipment used to reduce agricultural burning. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5663 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Brandland, Hewitt, Parlette, Pflug, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler and Thibaudeau

Passed to Committee on Rules for second reading.

March 2, 2005

SB 5866 Prime Sponsor, Delvin: Making an election effecting retirement allowances under the public employees' and teachers' retirement systems. 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.

March 1, 2005  
SB 5993 Prime Sponsor, Prentice: Providing additional funding for crime victims' compensation. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

March 2, 2005  
SJM 8014 Prime Sponsor, Thibaudeau: Requesting that the privatization of social security be rejected. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau

MINORITY recommendation: MMR Signed by Senators Brandland, Hewitt, Parlette, Pflug, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

At 12:19 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Friday, March 4, 2005.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate