

**TWENTY THIRD DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, May 18, 2011

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 Senators Baumgartner, Baxter, Benton, Conway, Honeyford, Kline, Pflug and Roach.

The Sergeant at Arms Color Guard consisting of Senator Steve Litzow and daughter Elizabeth Litzow, presented the Colors. Senator Morton 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**

May 17, 2011

SB 5958 Prime Sponsor, Senator White: Providing local government funding of tourism promotion, workforce housing, art and heritage programs, and community development. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Chase and Nelson.

Passed to Committee on Rules for second reading.

May 16, 2011

E2SHB 1371 Prime Sponsor, Committee on Ways & Means: Addressing boards and commissions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Baxter; Conway; Fraser; Hewitt; Honeyford; Kastama; Keiser; Regala; Rockefeller; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Hatfield and Holmquist Newbry.

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

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 fourth order of business.

**MESSAGE FROM THE HOUSE**

May 17, 2011

MR. PRESIDENT:  
The House has passed SUBSTITUTE HOUSE BILL NO. 2088. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

May 17, 2011

MR. PRESIDENT:  
The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5581. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

May 17, 2011

MR. PRESIDENT:  
The House grants the request for a conference on SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5742. The Speaker has appointed the following members as Conferees: Representatives Clibborn, Hargrove, Reykdal and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

**MOTION**

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

**INTRODUCTION AND FIRST READING**

SB 5960 by Senators Keiser, Pflug and Kline

AN ACT Relating to medicaid fraud; amending RCW 74.09.210, 74.09.230, and 43.43.830; reenacting and amending RCW 9A.04.080; adding new sections to chapter 74.09 RCW; adding a new chapter to Title 74 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Ways & Means.

**MOTION**

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

**PERSONAL PRIVILEGE**

Senator Fraser: “Thank you Mr. President. Today is a major anniversary of an extraordinary event in the state of Washington. The initial major explosion of Mt. St. Helens and I think it occurred on May 18, 1980 and so by my calculations that was thirty-one years ago and I think everybody who was in or possibly near the state of Washington including, say northern Oregon, remembers what they were doing and where they were when they learned about the explosion. Some people, I understand, heard the boom as far north as Port Townsend. Other people of course saw the ash. Other people had massive experiences with ash. I recall hearing that Ritzville was severely inundated with ash. I recall that in Spokane the street lights went on. It was as dark as night with ash and in terms of the legislature I recall that suddenly, even though the legislature wasn’t in session in May, there was suddenly a lot of interim committee work because the committees concerned with natural resources, were concerned about natural resource impact, committees dealing with business impact, committees dealing with labor impact, employment security was asked for all the data on job and business impacts, public safety impacts, clean up impacts, transportation of course was a major concern with the highways covered with ash and the cleanup and local government expenses. So, it was a major historic event for the state. The legislature did move quickly to understand what was going on and make appropriate recommendations. So, it’s a day to remember.”

PERSONAL PRIVILEGE

Senator Schoesler: “I could probably go on longer than the body or TVW wants to listen to having lived in Ritzville, the epicenter of ash fall. When the lights came on in the streets in the afternoon. The ash falling and literally thousands of people taking refuge there off the freeway because their cars simply didn’t run with the filters plugged with Mt. St. Helens. But early in the morning the interesting thing was my wife was getting ready for church in the basement of our house and she heard a thud as I did. She thought I was reverting back to my childhood and jumping off the furniture in the living room. I drove out to our farm and at mid-day a neighbor stopped me and he said, ‘Mark, this is the worst thunderstorm I’ve ever seen.’ It was that black in the West. The animals, how smart they were. Our horses literally were freaking out about a storm they’d never seen before. And as we went through that night of darkness that started early in the day, we woke to a deep fall of ash, much like a winter snow. I left my home that morning, first thought was check my cattle and I had never heard the world as silent. People talk about the silence after a nuclear winter or other terrible events. Deathly silent. Very few tracks. No cars moving. The strangest of my life and probably the strangest summer of my life as we struggled to clean a community of ash, get our crops back in shape, figure out how we would go through a harvest with ash. An event that shaped our lives in that part of the world forever. You still can find a little bit of Mt. St. Helens along the roads there. And many of you know about my former career of the combine demolition derby in Lind and to advertise the combine demolition derby in Lind the sign on 395 says, ‘Drop in, Mt. St. Helens did.’ Thank you.”

PERSONAL PRIVILEGE

Senator Carrell: “This event that occurred in 1980 was really a wakeup call that I think that we are continuing to learn about. The fact that there are natural disasters that we are powerless to do much about and there are actually three of them that recently we have become aware of. The first of those was 1980 and the fact we have this very violent type of volcano that is Mt. St. Helens. It is a type that you find all over the world

particularly on the Pacific Rim and we have a number of them in the state of Washington which could do very similar things, other than Rainier, which is old of volcano to do that sort of thing but nevertheless. Well, you don’t expect to have a grandpa doing you know violent acts. It’s just, it’s more likely to collapse and that would cause mud flows and so on. But the other two things are tsunami and if you go along the ocean you will see the ghost trees which are about three hundred years ago were killed cedar trees and spruce trees that were killed in the last big major tsunamis we had. We know down to the day when it occurred because records in Japan where they had tsunamis there too but it washed for miles inland down the Grays Harbor area. I’m sure Senator Hargrove appreciates all the new soil that he has in his district from that. But the other, the great earthquakes that they trigger. We got Japan and other places, Indonesia, to look at some examples why we really need in this state to be prepared for major type of catastrophes that are coming. It isn’t maybe. It’s a certainty. And the last one was about three hundred years ago and it happened about every three hundred years. Not at good sign, but anyway, you know I think that St. Helens was the first of those things. It was a wakeup call that isn’t something in far off lands. It could happen right here in our backyards and we need to be ready for it. Thank you Mr. President.”

PERSONAL PRIVILEGE

Senator Fain: “I just wanted to send my appreciation to the colleagues for talking about St. Helens this morning as the only member of this body that was not yet alive. I appreciate hearing about it.”

PERSONAL PRIVILEGE

Senator Hobbs: “Well, I’m not here to talk about Mt. St. Helens, I was ten years old. I was watching Saturday morning cartoons, I don’t remember that much about it but when I’m here, what I’m speaking about because I know that my wife is watching right now, Pamela, I just want to say congratulations, you received your Masters in Occupational Therapy at UPS over the weekend and I know it was very hard for you, basically being a married single mother because I’m always away. You followed me for about, well, over ten years in the active Army and you took care of the kids and you watched the home and I am so proud of you were able to do your own path finding. I had no problem watching the kids while you were at school and I realize how hard it is to be Mr. Mom so I appreciate that and what I’m really happy about is that an Occupational Therapist will actually make more than State Legislator so that is something that I am very happy about. Thank you very much Pam and congratulations. I love you.”

PERSONAL PRIVILEGE

Senator Stevens: “Well, I would like to add my congratulations to Mrs. Hobbs. I am certain that she has a great burden to bear and now she has added to her intelligence I am sure and will be a better wife and mother and certainly a better wife of a Senator. But mostly I want to talk about Mt. St. Helens. I can remember that morning very vividly. We heard the loud boom. We lived in Arlington and I said to my husband, ‘That was Mt. St. Helens’ and he said ‘Nah, couldn’t possibly be’ and I said ‘Oh yeah, I think it was’ and so we had that little discussion and as these events happen in history we all remember where we were when and of course that is one. Just last fall we had a visit with my husband’s cousin who at that time was the head of FEMA and handled all of the FEMA responsibilities in regard to Mt. St.

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Helens and he remembers vividly some of the activities that he went through. He remembers the negotiations with our then-Governor Dixie Lee Ray and how difficult it was for a federal agency to come in and deal with the governor who, you know, there's always that turf battle and what they went through in that whole process and he remembers it very, very vividly even though he is in his 80s. But at the same time we all remember and I am very sorry for Senator Fain he was too young to remember but hopefully we can give him this little bit of history that will give him a reminder of what he missed. So, thank you Mr. President."

Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

Voting nay: Senators Becker, Carrell, Ericksen and Parlette

Absent: Senators Kline and Pflug

Excused: Senators Baumgartner, Baxter, Benton, Conway, Honeyford and Roach

SUBSTITUTE SENATE BILL NO. 5114, 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.

SIGNED BY THE PRESIDENT

MOTION

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL 5581..

On motion of Senator Ericksen, Senator Pflug was excused.

MOTION

MOTION

At 10:22 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

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

AFTERNOON SESSION

SECOND READING

The Senate was called to order at 12:07 p.m. by President Owen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2115, by House Committee on Education (originally sponsored by Representatives Haigh and Dammeier)

MOTION

Concerning legislative review of performance standards for the statewide student assessment.

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

The measure was read the second time.

THIRD READING

MOTION

SUBSTITUTE SENATE BILL NO. 5114, by Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove).

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute House Bill No. 2115 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Streamlining competency evaluation and competency restoration procedures.

Senators McAuliffe and Litzow spoke in favor of passage of the bill.

The bill was read on Third Reading.

MOTION

Senator Hargrove spoke in favor of passage of the bill. Senator Carrell spoke against passage of the bill.

On motion of Senator White, Senator Kline was excused.

MOTION

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2115.

On motion of Senator Ericksen, Senators Baumgartner, Baxter, Benton, Honeyford and Roach were excused.

ROLL CALL

MOTION

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2115 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

On motion of Senator White, Senator Conway was excused.

Voting yea: Senators Becker, Brown, Carrell, Chase, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Kastama, Keiser, Kilmer, King, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, White and Zarelli

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5114.

Excused: Senators Baumgartner, Baxter, Benton, Conway, Honeyford, Kline, Pflug and Roach

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5114 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 4; Absent, 2; Excused, 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2115, having received the constitutional majority, was declared passed.

Voting yea: Senators Brown, Chase, Delvin, Eide, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Kastama, Keiser, Kilmer, King,

There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Substitute Senate Bill No. 5114 was immediately transmitted to the House of Representatives.

SECOND READING

SENATE BILL NO. 5587, by Senators Schoesler, Sheldon, Zarelli, King, Tom, Delvin, Honeyford and Hewitt

Terminating the low-income property tax deferral program. Revised for 1st Substitute: Expiring an underutilized deferral program in the department of revenue under chapter 84.37 RCW.

MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 5587 was substituted for Senate Bill No. 5587 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 5587 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler and Carrell spoke in favor of passage of the bill.

Senator Fraser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5587.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5587 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 17; Absent, 0; Excused, 7.

Voting yea: Senators Becker, Carrell, Delvin, Ericksen, Fain, Hargrove, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Kastama, King, Litzow, Morton, Parlette, Pridemore, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Brown, Chase, Eide, Fraser, Harper, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Ranker, Regala, Sheldon and White

Excused: Senators Baumgartner, Baxter, Benton, Conway, Honeyford, Pflug and Roach

SUBSTITUTE SENATE BILL NO. 5587, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:27 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Thursday, May 19, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate



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