

**TWENTY FOURTH DAY**

---

MORNING SESSION

---

Senate Chamber, Olympia, Thursday, May 19, 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, Benton and Roach.

The Sergeant at Arms Color Guard consisting of Senate staff Stephen Malmstrom and Nick Bowman, presented the Colors. Senate Shin 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 18, 2011

SB 5459 Prime Sponsor, Senator Kline: Regarding transition services for people with developmental disabilities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5459 be substituted therefor, and the second substitute bill do pass. Signed by Senators Murray, Chair; Zarelli; Brown; Fraser; Hatfield; Kastama; Keiser; Kohl-Welles; Pflug; Pridemore; Regala and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Kilmer, Vice Chair, Capital Budget Chair; Honeyford and Rockefeller.

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

Passed to Committee on Rules for second reading.

May 18, 2011

SB 5669 Prime Sponsor, Senator Ranker: Regarding the consolidation of certain natural resources agencies and programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5669 be substituted therefor, and the second substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Baxter; Brown; Conway; Fraser; Hewitt; Kastama; Keiser; Kohl-Welles; Pflug; Regala; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senators Parlette; Hatfield and Honeyford.

Passed to Committee on Rules for second reading.

May 18, 2011

SB 5891 Prime Sponsor, Senator Murray: Relating to criminal justice. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5891 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Zarelli; Brown; Fraser; Hatfield; Kastama; Keiser; Kohl-Welles; Pridemore; Regala; Rockefeller and Tom.

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

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Kilmer, Vice Chair, Capital Budget Chair; Parlette; Baxter; Conway; Hewitt; Honeyford and Schoesler.

Passed to Committee on Rules for second reading.

May 18, 2011

SB 5942 Prime Sponsor, Senator Hewitt: Warehousing and distribution of spirits, including the lease and modernization of the state's spirits warehousing and distribution facilities and related operations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5942 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Baxter; Brown; Conway; Hatfield; Hewitt; Honeyford; Keiser; Kohl-Welles; Pflug; Regala; Rockefeller and Schoesler.

MINORITY recommendation: Do not pass. Signed by Senators Fraser; Kastama; Pridemore and Tom.

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

Passed to Committee on Rules for second reading.

May 18, 2011

SB 5960 Prime Sponsor, Senator Keiser: Concerning medicaid fraud. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5960 be substituted therefor, and the substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Brown; Conway; Fraser; Kastama; Keiser; Kohl-Welles; Pflug; Pridemore; Regala; Rockefeller; Schoesler and Tom.

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

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Parlette; Baxter; Hatfield and Hewitt.

Passed to Committee on Rules for second reading.

May 18, 2011

ESHB 1354 Prime Sponsor, Committee on Ways & Means: Changing the apportionment schedule to educational service

districts and school districts for the 2010-11 school year.  
Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Brown; Conway; Fraser; Hatfield; Hewitt; Honeyford; Kastama; Keiser; Kohl-Welles; Regala; Rockefeller; Schoesler and Tom.

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

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

Passed to Committee on Rules for second reading.

May 18, 2011

ESHB 1449 Prime Sponsor, Committee on Education Appropriations & Oversight: Establishing a processing fee for educator certificates. 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; Baxter; Brown; Conway; Fraser; Hatfield; Hewitt; Honeyford; Kastama; Keiser; Kohl-Welles; Pflug; Pridemore; Regala; Rockefeller; Schoesler and Tom.

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 OF HOUSE BILLS

ESHB 2088 by House Committee on Ways & Means (originally sponsored by Representatives Probst, Haler, Frockt, Zeiger, Tharinger, Asay, Orwall, Armstrong, Carlyle, Maxwell, Springer, Kenney, Seaquist, Finn, Haigh, Dammeier, Smith, Goodman, Lytton, Stanford, Dahlquist, Ladenburg, Wylie and Rivers)

AN ACT Relating to creating the opportunity scholarship board to assist middle-income students and invest in high employer demand programs; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 28B RCW; 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.

#### MOTION

At 10:08 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

#### AFTERNOON SESSION

The Senate was called to order at 1:39 p.m. by President Owen.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 5459, by Senators Kline, Keiser, Regala and McAuliffe

Regarding transition services for people with developmental disabilities. Revised for 2nd Substitute: Regarding services for people with developmental disabilities.

#### MOTION

On motion of Senator Hargrove, Second Substitute Senate Bill No. 5459 was substituted for Senate Bill No. 5459 and the second substitute bill was placed on the second reading and read the second time.

#### MOTION

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

On page 13, after line 19, insert the following:

"NEW SECTION. Sec. 13. The department of social and health services must submit to the legislature by December 2011, a detailed accounting of people on the state waiting list for services provided to persons with developmental disabilities. The report must provide specific categories of individuals considered on a waiting list, including those under the age of eighteen years, those currently living in settings outside of the family home, and any other detail that provides a clear explanation to the legislature of specific numbers of people currently eligible for services and not receiving them."

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

Senator Chase spoke in favor of adoption of the amendment.

Senators Hargrove and King spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Chase on page 13, after line 19 to Second Substitute Senate Bill No. 5459.

The motion by Senator Chase failed and the amendment was not adopted by voice vote.

#### MOTION

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

On page 13, after line 19, insert the following:

"NEW SECTION. Sec. 13. A new section is added to chapter 71A.20 RCW to read as follows:

TWENTY FOURTH DAY, MAY 19, 2011

2011 1ST SPECIAL SESSION

(1) The department shall keep all residential habilitation centers open until there are sufficient community options and support services and appropriate safety precautions and supports available to serve the clients who currently resident in these residential habilitation centers. The department is directed to admit those individuals who are at "immediate risk" or in need of "immediate stabilization".

(2) Any fiscal assumptions related to moving people from residential habilitation centers to the community must factor in adequate funding to provide oversight in a fractured system that is as good or better than the current oversight achieved in the institutional settings in the state. The assumptions must take into account protection needed for very vulnerable individuals in small isolated settings around the state, not just for the relatively few years that aging individuals reside in them. The oversight needed in community settings for people with developmental disabilities must be for the lifespan of individuals, which means decades."

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

Senators Chase, Carrell and Honeyford spoke in favor of adoption of the amendment.

Senators Kline, Hargrove and King spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Chase on page 13, after line 19 to Second Substitute Senate Bill No. 5459.

The motion by Senator Chase failed and the amendment was not adopted by voice vote.

## MOTION

On motion of Senator Hargrove, the rules were suspended, Second Substitute Senate Bill No. 5459 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Kline, Prentice, King and Keiser spoke in favor of passage of the bill.

Senators Chase, Carrell, Rockefeller and Sheldon spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5459.

## ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5459 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 3; Excused, 0.

Voting yea: Senators Becker, Brown, Conway, Delvin, Eide, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Kastama, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Parlette, Pflug, Prentice, Ranker, Regala, Shin, Stevens, Swecker, Tom, White and Zarelli

Voting nay: Senators Baxter, Carrell, Chase, Ericksen, Honeyford, Kilmer, Nelson, Pridemore, Rockefeller, Schoesler and Sheldon

Absent: Senators Baumgartner, Benton and Roach

SECOND SUBSTITUTE SENATE BILL NO. 5459, 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. 5891, by Senator Murray

Relating to criminal justice. Revised for 1st Substitute: Addressing criminal justice cost savings.

## MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 5891 was substituted for Senate Bill No. 5891 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Carrell be adopted:

Beginning on page 3, line 36, after "(4)" strike all material through "(5)" on page 4, line 3

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

On page 5, beginning on line 13, after "(2)" strike all material through "(3)" on line 27

On page 46, line 19, after "chapter" strike "9.94A" and insert "43.88C"

On page 57, beginning on line 36, after "to" strike all material through "sentencing" on line 37 and insert "sex offender management"

Senator Hargrove 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 Hargrove and Carrell on page 3, line 36 to Substitute Senate Bill No. 5891.

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

## MOTION

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

On page 1, line 8 of the title, after "adding" strike "a new section" and insert "new sections"

## MOTION

On motion of Senator Eide, Senators Baumgartner, Benton and Roach were excused.

## MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove, Regala and Carrell be adopted:

On page 30, line 10, after "after" strike "July" and insert "October"

On page 30, line 15, after "before" strike "July" and insert "October"

Beginning on page 55, line 31, strike all of sections 36 and 37 and insert the following:

"**Sec. 36.** RCW 9.94A.860 and 2001 2nd sp.s. c 12 s 311 are each amended to read as follows:

(1) The sentencing guidelines commission is hereby created, located within the office of financial management. Except as provided in RCW 9.94A.875, the commission shall serve to advise the governor and the legislature as necessary on issues relating to adult and juvenile sentencing. The commission may meet, as necessary, to accomplish these purposes within funds appropriated.

(2) The commission consists of twenty voting members, one of whom the governor shall designate as chairperson. With the exception of ex officio voting members, the voting members of the commission shall be appointed by the governor, or his or her designee, subject to confirmation by the senate.

~~((2))~~ (3) The voting membership consists of the following:

- (a) The head of the state agency having general responsibility for adult correction programs, as an ex officio member;
- (b) The director of financial management or designee, as an ex officio member;
- (c) The chair of the indeterminate sentence review board, as an ex officio member;
- (d) The head of the state agency, or the agency head's designee, having responsibility for juvenile corrections programs, as an ex officio member;
- (e) Two prosecuting attorneys;
- (f) Two attorneys with particular expertise in defense work;
- (g) Four persons who are superior court judges;
- (h) One person who is the chief law enforcement officer of a county or city;
- (i) Four members of the public who are not prosecutors, defense attorneys, judges, or law enforcement officers, one of whom is a victim of crime or a crime victims' advocate;
- (j) One person who is an elected official of a county government, other than a prosecuting attorney or sheriff;
- (k) One person who is an elected official of a city government;
- (l) One person who is an administrator of juvenile court services.

In making the appointments, the governor shall endeavor to assure that the commission membership includes adequate representation and expertise relating to both the adult criminal justice system and the juvenile justice system. In making the appointments, the governor shall seek the recommendations of Washington prosecutors in respect to the prosecuting attorney members, of the Washington state bar association in respect to the defense attorney members, of the association of superior court judges in respect to the members who are judges, of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer, of the Washington state association of counties in respect to the member who is a county official, of the association of Washington cities in respect to the member who is a city official, of the office of crime victims advocacy and other organizations of crime victims in respect to the member who is a victim of crime or a crime victims' advocate, and of the Washington association of juvenile court administrators in respect to the member who is an administrator of juvenile court services.

~~((3))~~ (4)(a) All voting members of the commission, except ex officio voting members, shall serve terms of three years and until their successors are appointed and confirmed.

(b) The governor shall stagger the terms of the members appointed under subsection ~~((2))~~ (3)(j), (k), and (l) of this section by appointing one of them for a term of one year, one for a term of two years, and one for a term of three years.

~~((4))~~ (5) The speaker of the house of representatives and the president of the senate may each appoint two nonvoting members to the commission, one from each of the two largest caucuses in each house. The members so appointed shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first.

~~((5))~~ (6) The members of the commission ~~((shall))~~ may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members ~~((shall))~~ may be reimbursed by their respective houses as provided under RCW 44.04.120. Except for the reimbursement of travel expenses, members shall not be compensated ~~((in accordance with RCW 43.03.250)).~~

**Sec. 37.** RCW 9.94A.8673 and 2008 c 249 s 3 are each amended to read as follows:

(1) Within funds appropriated for this purpose, the sentencing guidelines commission shall establish and maintain a sex offender policy board.

~~(2)(a)~~ The board shall serve to advise the governor and the legislature as necessary on issues relating to sex offender management.

~~(b)~~ At such times as the governor or a legislative committee of jurisdiction may request, the sex offender policy board may be convened to:

(i) Undertake projects to assist policymakers in making informed judgments about issues relating to sex offender policy; and

(ii) Conduct case reviews of sex offense incidents to understand performance of Washington's sex offender prevention and response systems.

~~(3)~~ The sex offender policy board shall consist of thirteen voting members. Unless the member is specifically named in this section, the following organizations shall designate a person to sit on the board. The voting membership shall consist of the following:

(a) A representative of the Washington association of sheriffs and police chiefs;

(b) A representative of the Washington association of prosecuting attorneys;

(c) A representative of the Washington association of criminal defense lawyers;

(d) The chair of the indeterminate sentence review board or his or her designee;

(e) A representative of the Washington association for the treatment of sex abusers;

(f) The secretary of the department of corrections or his or her designee;

(g) A representative of the Washington state superior court judge's association;

(h) The assistant secretary of the juvenile rehabilitation administration or his or her designee;

(i) The office of crime victims advocacy in the department of ~~((community, trade, and economic development))~~ commerce;

(j) A representative of the Washington state association of counties;

(k) A representative of the association of Washington cities;

(l) A representative of the Washington association of sexual assault programs; and

(m) The director of the special commitment center or his or her designee.

~~((2) The person so named in subsection (1) of this section has the authority to make decisions on behalf of the organization he or she represents.~~

~~(3) The nonvoting membership shall consist of the following:~~

~~(a) Two members of the sentencing guidelines commission chosen by the chair of the commission; and~~

~~(b) A representative of the criminal justice division in the attorney general's office.)~~

(4) The board shall choose its chair by majority vote from among its voting membership. The chair's term shall be two years.

~~(5) ((The chair of the sentencing guidelines commission shall convene the first meeting.~~

~~(6))~~ As appropriate, the board shall consult with the criminal justice division in the attorney general's office and the Washington institute for public policy ~~((shall act as an advisor to the board)).~~

(6) Members of the board shall receive no compensation but may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060."

Senator Hargrove spoke in favor of adoption of the amendment.

TWENTY FOURTH DAY, MAY 19, 2011

2011 1ST SPECIAL SESSION

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Regala and Carrell on page 30, line 10 to Engrossed Substitute Senate Bill No. 5891.

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

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5891 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Carrell 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. 5891.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5891 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 17; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Carrell, Chase, Eide, Fraser, Hargrove, Harper, Hatfield, Haugen, Hobbs, Honeyford, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Ranker, Regala, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom, White and Zarelli

Voting nay: Senators Baxter, Becker, Conway, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Kilmer, King, Litzow, Morton, Parlette, Pflug, Pridemore and Sheldon

Excused: Senators Baumgartner, Benton and Roach

ENGROSSED SUBSTITUTE SENATE BILL NO. 5891, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 5891 and Second Substitute Senate Bill No. 5459 were immediately transmitted to the House of Representatives.

SECOND READING

SENATE BILL NO. 5539, by Senators Kohl-Welles, Prentice, White, Kilmer, Brown and McAuliffe

Concerning Washington's motion picture competitiveness.

MOTION

On motion of Senator Kohl-Welles, Second Substitute Senate Bill No. 5539 was substituted for Senate Bill No. 5539 and the second substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 5, after line 6, insert the following:

"(9) Funding assistance may only be provided to productions that employ at least seventy-five percent of the labor force with Washington state residents."

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

Senators Hargrove and Kohl-Welles spoke in favor of adoption of the amendment.

Senators Carrell and Sheldon spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 5, after line 6 to Second Substitute Senate Bill No. 5539.

The motion by Senator Hargrove failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Second Substitute Senate Bill No. 5539 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Brown, Carrell, Ranker and Sheldon spoke in favor of passage of the bill.

Senators Kastama and Tom spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5539.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5539 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 16; Absent, 0; Excused, 3.

Voting yea: Senators Baxter, Becker, Brown, Carrell, Chase, Conway, Delvin, Ericksen, Fain, Fraser, Harper, Hatfield, Hewitt, Hobbs, Holmquist Newbry, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Prentice, Ranker, Sheldon, Shin, Stevens and Swecker

Voting nay: Senators Eide, Hargrove, Haugen, Hill, Honeyford, Kastama, Nelson, Parlette, Pflug, Pridemore, Regala, Rockefeller, Schoesler, Tom, White and Zarelli

Excused: Senators Baumgartner, Benton and Roach

SECOND SUBSTITUTE SENATE BILL NO. 5539, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Second Substitute Senate Bill No. 5539 was immediately transmitted to the House of Representatives.

SECOND READING

SENATE BILL NO. 5669, by Senators Ranker, Swecker, Regala, Rockefeller, Nelson, White, Pflug and Shin

Regarding the consolidation of certain natural resources agencies and programs. Revised for 2nd Substitute: Regarding the consolidation of natural resources agencies and programs.

MOTION

On motion of Senator Ranker, Second Substitute Senate Bill No. 5669 was substituted for Senate Bill No. 5669 and the second substitute bill was placed on the second reading and read the second time.

#### MOTION

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

On page 2, beginning on line 1, after "department of", strike "agriculture, the department of"

On page 2, line 21, after "recreation commission,", strike "the director of the department of agriculture,"

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Hatfield, the amendment by Senator Hatfield on page 2, line 1 to Second Substitute Senate Bill No. 5669 was withdrawn.

#### MOTION

Senator Ranker moved that the following amendment by Senators Ranker, Parlette, Schoesler and Zarelli be adopted:

On page 2, line 10, after "maximize the", strike "collocation" and insert "colocation"

On page 2, beginning on line 7, after "(a)", strike "Consolidate administrative regions into no more than four per agency; (b)"

On page 2, after line 35, insert:

**"NEW SECTION. Sec. 102.** (1) The departments of fish and wildlife and natural resources shall each consolidate their administrative regions to no more than four per agency if so directed by legislation enacted prior to July 1, 2012.

(2) The departments of fish and wildlife and natural resources shall each: (a) Develop options for and a plan to consolidate their administrative regions to no more than four per agency; (b) analyze the costs and benefits of administrative regional consolidation, including impacts on budget, efficiency, and agency operations; and (c) provide the plan and analysis required under this section, along with other relevant legislative and budget recommendations, to the appropriate committees of the legislature and the office of financial management by September 1, 2011."

On page 3, beginning on line 8, strike sections 103 through 105.

Re-number sections and subsections accordingly and correct any internal references.

Senator Ranker 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 Ranker, Parlette, Schoesler and Zarelli on page 2, line 10 to Second Substitute Senate Bill No. 5669.

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

#### MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5669 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ranker, Schoesler, Parlette spoke in favor of passage of the bill.

Senator Morton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5669.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5669 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 19; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Hargrove, Harper, Hill, Hobbs, Kastama, Keiser, Kilmer, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Parlette, Prentice, Ranker, Regala, Rockefeller, Schoesler, Swecker, Tom, White and Zarelli

Voting nay: Senators Baxter, Becker, Carrell, Delvin, Ericksen, Fain, Hatfield, Haugen, Hewitt, Holmquist Newbry, Honeyford, King, Kline, Morton, Pflug, Pridemore, Sheldon, Shin and Stevens

Excused: Senators Baumgartner, Benton and Roach

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5669, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, Engrossed Second Substitute Senate Bill No. 5669 was immediately transmitted to the House of Representatives.

#### SECOND READING

SENATE BILL NO. 5960, by Senators Keiser, Pflug and Kline

Concerning medicaid fraud.

#### MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5960 was substituted for Senate Bill No. 5960 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

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

On page 12, line 14, after "of any" strike "qui tam relator or other"

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

Beginning on page 14, line 15, strike all of sections 12, 13, 14, and 15

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

Beginning on page 19, line 31, after "**Sec. 17.**" strike all material through "(5)" on page 20, line 10

On page 20, line 16, after "section 11" strike "or 12(1)"

On page 20, line 18, after "section 11" strike "or 12"

On page 20, line 28, after "section 11" strike "or 12"

Beginning on page 20, line 29, strike all material through "action." on page 21, line 3

Beginning on page 21 strike all of section 19

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

TWENTY FOURTH DAY, MAY 19, 2011

2011 1ST SPECIAL SESSION

Senator Becker spoke in favor of adoption of the amendment.

Senators Pflug and Kastama spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Becker on page 12, line 14 to Substitute Senate Bill No. 5960.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Becker and the amendment was not adopted by the following vote: Yeas, 21; Nays, 25; Absent, 0; Excused, 3.

Voting yea: Senators Baxter, Becker, Carrell, Delvin, Ericksen, Fain, Hatfield, Haugen, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Morton, Parlette, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Brown, Chase, Conway, Eide, Fraser, Hargrove, Harper, Hobbs, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin, Tom and White

Excused: Senators Baumgartner, Benton and Roach

#### MOTION

Senator Hobbs moved that the following amendment by Senators Hobbs, Keiser and Becker be adopted:

On page 14, after line 5, insert the following:

"(3) For the purposes of determining whether an insurer has a duty to provide a defense or indemnification for an insured and if coverage may be denied if the terms of the policy exclude coverage for intentional acts, a violation of subsection (1) of this section is an intentional act.

Senator Hobbs 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 Hobbs, Keiser and Becker on page 14, after line 5 to Substitute Senate Bill No. 5960.

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

#### MOTION

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

On page 14, beginning on line 29, after "(3)" strike all material through "dismiss." on line 31 and insert "After the sixty-day period for review has passed, the court may dismiss the qui tam action if it determines that it is more likely than not that the action being brought is clearly frivolous or vexatious, or is being brought primarily for the purposes of harassment or the relator has failed to state with particularity circumstances constituting fraud. If the court does not dismiss the claim immediately after the sixty-day period, the court must forward the complaint to the defendant and allow the defendant thirty days to provide an answer. If the defendant provides an answer, the court has an additional fifteen days from the date of receipt of the answer to make its determination under this subsection. The attorney general must be given notice and an opportunity to participate in the hearing on the motion to dismiss."

Senator Becker spoke in favor of adoption of the amendment.

Senator Hargrove spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Becker on page 14, line 29 to Substitute Senate Bill No. 5960.

The motion by Senator Becker failed and the amendment was not adopted by voice vote.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5960 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Pflug 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. 5960.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5960 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

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

Voting nay: Senators Delvin, Ericksen, Honeyford, King and Stevens

Excused: Senators Baumgartner, Benton and Roach

ENGROSSED SUBSTITUTE SENATE BILL NO. 5960, 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. 5958, by Senators White, Kohl-Welles and Keiser

Providing local government funding of tourism promotion, workforce housing, art and heritage programs, and community development.

The measure was read the second time.

#### MOTION

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

On page 2, line 35, after "2015." insert "a county may not impose the tax authorized under this section after December 31st, 2011 unless the tax has been approved by a majority of the voters of the county."

On page 3, line 9, after "2015." insert "a county may not impose the tax authorized under this section after December 31st, 2011 unless the tax has been approved by a majority of the voters of the county."

On page 6, after line 28, insert the following:

"(5) No monies may be spent from the fund created in subsection (1) of this section until the county is authorized to do so by approval by a majority of the voters of the county."

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

Senator Tom 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 Tom on page 2, line 35 to Senate Bill No. 5958.

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

#### MOTION

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

On page 11, line 5, strike "2021" and insert "2035"

On page 11, line 8, beginning with ", and" strike everything through page 11, line 10, "funds" Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator White 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 White on page 11, line 5 to Senate Bill No. 5958.

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

#### MOTION FOR IMMEDIATE RECONSIDERATION

Having voted on the prevailing side and on motion of Senator Tom, the vote by which the amendment by Senator Tom, on page 2, line 35 to Senate Bill No. 5958 passed the Senate earlier in the day was immediately considered.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Tom, the amendment by Senator Tom on page 2, line 35 to Senate Bill No. 5958 was withdrawn.

#### MOTION

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

On page 2, line 35, after "2015." insert "However, a county may not impose the tax authorized under this subsection after December 31st, 2011 unless the tax has been approved by a majority of the voters in the county voting at the next general election following the effective date of this act."

On page 3, line 9, after "2015." insert "However, a county may not impose the tax authorized under this subsection after December 31st, 2011 unless the tax has been approved by a majority of the voters in the county voting at the next general election following the effective date of this act."

On page 6, after line 28, insert the following:

"(5) No monies may be spent from the fund created in subsection (1) of this section until the county is authorized to do so by approval of a majority of the voters in the county voting at the next general election following the effective date of this act. The ballot propositions required under this subsection and in RCW 82.14.360(1) and (2), may be combined into a single ballot measure."

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

Senator Tom 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 Tom on page 2, line 35 to Senate Bill No. 5958.

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

#### MOTION

On motion of Senator White, the rules were suspended, Engrossed Senate Bill No. 5958 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Schoesler spoke against passage of the bill.

Senator Carrell spoke against passage of the bill.

#### POINT OF ORDER

Senator Keiser: "Mr. President, I believe that the good gentleman is impugning the motives of the proponents of this legislation."

#### REMARKS BY THE PRESIDENT

President Owen: "Senator Carrell, the President believes that you're stepping very close to that and remind the members that your debate is to be on the subject not about other members."

Senators Carrell and Sheldon spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5958.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5958 and the bill failed to pass the Senate by the following vote: Yeas, 24; Nays, 22; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Shin, Tom and White

Voting nay: Senators Baxter, Becker, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, Kastama, King, Litzow, Morton, Parlette, Pflug, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Baumgartner, Benton and Roach  
ENGROSSED SENATE BILL NO. 5958, having failed to receive the constitutional majority, was declared lost.

#### MOTION

At 4:15 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, May 20, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate







TWENTY FOURTH DAY, MAY 19, 2011

2011 1ST SPECIAL SESSION

1354-S	Committee Report .....	2	Third Reading Final Passage.....	6
1449-S	Committee Report .....	2	5891	
2088-S	Introduction & 1 <sup>st</sup> Reading .....	2	Committee Report .....	1
5459	Committee Report .....	1	Second Reading .....	3
	Second Reading .....	2	5891-S	
5459-S2	Other Action .....	5	Other Action .....	5
	Second Reading .....	2	Second Reading .....	3
	Third Reading Final Passage .....	3	Third Reading Final Passage.....	5
5539	Second Reading .....	5	5942	
5539-S2	Second Reading .....	5	Committee Report .....	1
	Third Reading Final Passage .....	5	5958	
5669	Committee Report .....	1	Other Action .....	8
	Second Reading .....	5	Second Reading .....	7, 8
5669-S2	Other Action .....	6	Third Reading Final Passage.....	8
	Second Reading .....	6	5960	
			Committee Report .....	1
			Second Reading .....	6
			5960-S	
			Second Reading .....	6, 7
			Third Reading Final Passage.....	7
			PRESIDENT OF THE SENATE	
			Remarks by the President.....	8
			WASHINGTON STATE SENATE	
			Point of Order, Senator Keiser .....	8