

FORTY FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 23, 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 Senator Sheldon.

The Sergeant at Arms Color Guard consisting of Pages Amelia Payne and Matthew Smith, presented the Colors. Pastor Jim Ladd of Evergreen Christian Community of Olympia offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 21, 2011

SB 5251 Prime Sponsor, Senator Haugen: Imposing an additional vehicle license fee on electric vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5251 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; White, Vice Chair; King; Delvin; Hobbs; Nelson; Ranker; Sheldon; Shin and Swecker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Fain; Ericksen and Hill.

Passed to Committee on Rules for second reading.

February 21, 2011

SB 5268 Prime Sponsor, Senator Pridemore: Enacting the college efficiency and savings act. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Baxter; Brown; Conway; Fraser; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Pridemore; Regala; Rockefeller and Tom.

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

Passed to Committee on Rules for second reading.

February 21, 2011

SB 5288 Prime Sponsor, Senator McAuliffe: Providing the department of revenue with additional flexibility to achieve

operational efficiencies through the expanded use of electronic means to remit and report taxes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Brown; Conway; Fraser; Hatfield; Hewitt; Kastama; Keiser; Kohl-Welles; 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; Baumgartner; Baxter and Holmquist Newbry.

Passed to Committee on Rules for second reading.

February 21, 2011

SB 5304 Prime Sponsor, Senator Kilmer: Requiring forecasting of caseloads of the state need grant program and the Washington college bound scholarship program. Reported by Committee on Ways & Means

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

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Parlette; Baumgartner; Baxter; Hewitt; Holmquist Newbry; Honeyford and Schoesler.

Passed to Committee on Rules for second reading.

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SB 5501 Prime Sponsor, Senator Murray: Concerning the taxation of employee meals provided without specific charge. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

February 21, 2011

SB 5519 Prime Sponsor, Senator Tom: Changing public contracting authority. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baxter; Brown; Conway; Fraser; Hatfield; Hewitt; Kastama; Keiser; Kohl-Welles; Pridemore; Regala; Rockefeller and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Baumgartner; Holmquist Newbry; Honeyford and Schoesler.

February 22, 2011

Passed to Committee on Rules for second reading.

February 21, 2011

SB 5523 Prime Sponsor, Senator Tom: Eliminating the state printing operation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Baxter; Brown; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Rockefeller; Schoesler and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Conway; Fraser; Keiser; Kohl-Welles; Pridemore and Regala.

Passed to Committee on Rules for second reading.

February 21, 2011

SB 5658 Prime Sponsor, Senator King: Concerning the sale or exchange of surplus real property by the department of transportation. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5658 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; White, Vice Chair; King; Fain; Delvin; Eide; Ericksen; Hill; Hobbs; Litzow; Nelson; Sheldon; Shin and Swecker.

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

February 22, 2011

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL 1001,
SUBSTITUTE HOUSE BILL 1061,
SUBSTITUTE HOUSE BILL 1103,
SUBSTITUTE HOUSE BILL 1136,
HOUSE BILL 1207,
SUBSTITUTE HOUSE BILL 1211,
HOUSE BILL 1212,
HOUSE BILL 1227,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL 1028,
ENGROSSED HOUSE BILL 1050,
ENGROSSED SUBSTITUTE HOUSE BILL 1183,
ENGROSSED SUBSTITUTE HOUSE BILL 1332,
ENGROSSED HOUSE BILL 1398,
ENGROSSED SUBSTITUTE HOUSE BILL 1636,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 22, 2011

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL 1237,
HOUSE BILL 1303,
SUBSTITUTE HOUSE BILL 1329,
HOUSE BILL 1334,
SUBSTITUTE HOUSE BILL 1422,
HOUSE BILL 1455,
SUBSTITUTE HOUSE BILL 1495,
SUBSTITUTE HOUSE BILL 1570,
and the same are 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 5851 by Senator Haugen

AN ACT Relating to repealing the model traffic ordinance; creating new sections; repealing RCW 46.90.005 and 46.90.010; and providing an effective date.

Referred to Committee on Transportation.

SB 5852 by Senators Hewitt and Brown

AN ACT Relating to the public employment of retirees from plan 1 of the teachers' retirement system and plan 1 of the public employees' retirement system; and amending RCW 41.32.570 and 41.40.037.

Referred to Committee on Ways & Means.

SB 5853 by Senator Regala

AN ACT Relating to education programs for the prevention of child abuse in public schools; adding a new section to chapter 28A.300 RCW; creating a new section; and repealing RCW 28A.230.080, 28A.300.150, and 28A.300.160.

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

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SB 5854 by Senators Chase and Kline

AN ACT Relating to salmon and steelhead spawning beds; adding a new section to chapter 77.95 RCW; and prescribing penalties.

Referred to Committee on Natural Resources & Marine Waters.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1001 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Kelley, Green, Kirby, Fitzgibbon, Stanford, Kagi, Ladenburg, Appleton, Hurst, Darneille and Moeller)

AN ACT Relating to pro se defendants in criminal cases questioning victims of sex offenses; adding a new section to chapter 9A.44 RCW; and creating a new section.

Referred to Committee on Judiciary.

EHB 1028 by Representatives Schmick, Takko, Fagan, Springer, Kretz, Shea, Blake and McCune

AN ACT Relating to using state correctional facility populations to determine population thresholds for certain local government purposes; and amending RCW 35A.12.010, 35A.13.010, and 47.26.345.

Referred to Committee on Government Operations, Tribal Relations & Elections.

EHB 1050 by Representatives McCoy and Appleton

AN ACT Relating to residential provisions for children of parents with military duties; amending RCW 26.09.260; reenacting and amending RCW 26.09.004; and adding a new section to chapter 26.09 RCW.

Referred to Committee on Human Services & Corrections.

SHB 1061 by House Committee on General Government Appropriations & Oversight (originally sponsored by Representatives Green and Kelley)

AN ACT Relating to on-site wastewater treatment systems designer licensing; amending RCW 18.210.020, 18.210.030, 18.210.050, 18.210.080, 18.210.100, 18.210.120, 18.210.140, 18.210.160, 18.210.170, 18.210.180, and 18.210.190; reenacting and amending RCW 18.210.010; and repealing RCW 18.210.090 and 18.210.210.

Referred to Committee on Environment, Water & Energy.

SHB 1103 by House Committee on Transportation (originally sponsored by Representatives Kristiansen, Morris and Armstrong)

AN ACT Relating to the use of television viewers in motor vehicles; and amending RCW 46.37.480.

Referred to Committee on Transportation.

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SHB 1136 by House Committee on Transportation (originally sponsored by Representatives Eddy, Armstrong, Morris, Kristiansen, Chandler, Pearson and Kenney)

AN ACT Relating to volunteer firefighter special license plates; amending RCW 46.18.200 and 46.17.220; and adding a new section to chapter 46.68 RCW.

Referred to Committee on Transportation.

ESHB 1183 by House Committee on Health Care & Wellness (originally sponsored by Representatives Johnson, Cody, Ross, Kenney, Warnick, Maxwell, Schmick, Taylor, Hope, Haler, Goodman, Hinkle, Dickerson, McCune, Rodne, Armstrong, Ryu, Seaquist, Pedersen, Lias, Eddy, Appleton, Klippert, Kretz, Hasegawa, Fagan, Asay, Chandler, Angel, Ahern and Stanford)

AN ACT Relating to increasing the number of primary health care providers in Washington; adding a new section to chapter 28B.115 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

HB 1207 by Representative Overstreet

AN ACT Relating to compliance with Article II, section 12 of the state Constitution; amending RCW 44.04.010; and creating a new section.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SHB 1211 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Rivers, Blake, Takko, Kretz, Van De Wege, Lias, Klippert, Smith, Chandler, Nealey, Fitzgibbon, Warnick, Moeller, Harris and Condotta)

AN ACT Relating to utility donations to hunger programs; adding a new section to chapter 54.16 RCW; adding a new section to chapter 35.92 RCW; and adding a new section to chapter 35A.80 RCW.

Referred to Committee on Environment, Water & Energy.

HB 1212 by Representatives Lytton, Smith, Blake and Warnick

AN ACT Relating to the authority of the department of agriculture to accept and expend gifts; and adding a new section to chapter 43.23 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

HB 1227 by Representatives Ross, Taylor, Chandler, Hinkle, Warnick, Armstrong, Johnson, Moeller, Harris and Condotta

AN ACT Relating to the waiver of restaurant corkage fees; amending RCW 66.28.295; reenacting and amending RCW 66.28.310; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 1237 by House Committee on Transportation (originally sponsored by Representatives Haler, Clibborn, Klippert and Moeller)

AN ACT Relating to registering with the federal selective service when applying for an instruction permit, intermediate license, driver's license, or identicard; amending RCW 42.56.230; adding a new section to chapter 46.20 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1303 by Representatives Jinkins, Kelley, Van De Wege, Liias and Reykdal

AN ACT Relating to the insurance commissioner's authority to review and disapprove rates for certain insurance products; and repealing RCW 48.43.0121.

Referred to Committee on Health & Long-Term Care.

SHB 1329 by House Committee on Transportation (originally sponsored by Representatives Maxwell, Liias, Haigh, Dammeier, Armstrong, McCoy, Finn, Billig, Hunt, Probst, Lytton, Kenney, Ryu, Frock, Sells, Jacks, Orwall, Van De Wege, Roberts, Tharinger and Miloscia)

AN ACT Relating to "Music Matters" special license plates; amending RCW 46.18.200, 46.17.220, and 46.68.420; reenacting and amending RCW 46.18.060 and 46.18.110; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

ESHB 1332 by House Committee on Local Government (originally sponsored by Representatives Eddy, Anderson, Goodman, Takko, Liias, Springer, Rodne, Hurst and Tharinger)

AN ACT Relating to the joint provision and management of municipal water, wastewater, storm and flood water, and related utility services; amending RCW 4.96.010, 86.09.720, and 86.15.035; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.16 RCW; and adding a new chapter to Title 39 RCW.

Referred to Committee on Government Operations, Tribal Relations & Elections.

HB 1334 by Representatives Nealey, Hurst, Walsh, Johnson, Klippert, Haler, Rodne, Bailey, Short, Dammeier, Pearson, McCune, Warnick, Hinkle, Kelley, Orcutt, Chandler, Rivers, Ross, Schmick and Smith

AN ACT Relating to civil judgments for assault; amending RCW 72.09.015 and 72.09.480; reenacting and amending RCW 72.09.111; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

EHB 1398 by Representatives Fitzgibbon, Seaquist, Orwall, Springer, Upthegrove and Kenney

AN ACT Relating to exempting low-income housing from impact fees; and amending RCW 82.02.060 and 43.21C.065.

Referred to Committee on Financial Institutions, Housing & Insurance.

SHB 1422 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Stanford, Orcutt, Chandler, Warnick, Van De Wege, Green, Smith, Jacks, Blake, Sullivan, McCoy, Kretz, Tharinger, Ryu, Short, Sells, Lytton, Liias, Frock, Moscoso, Billig, Probst, Rolfes, Dunshee, Maxwell, Upthegrove and Kenney)

AN ACT Relating to authorizing the department of natural resources to conduct a forest biomass to aviation fuel demonstration project to facilitate Washington leading the nation in aviation biofuel production; and creating new sections.

Referred to Committee on Natural Resources & Marine Waters.

HB 1455 by Representative McCune

AN ACT Relating to where an individual may petition to restore firearm possession rights; and amending RCW 9.41.040 and 9.41.047.

Referred to Committee on Judiciary.

SHB 1495 by House Committee on Judiciary (originally sponsored by Representatives Eddy, Rodne, Kirby, Armstrong, Hunter, Hinkle, Chandler, Pettigrew, Carlyle, Springer, Maxwell, Anderson, Clibborn, Kelley and Kenney)

AN ACT Relating to the unfair competition that occurs when stolen or misappropriated information technology is used to manufacture products sold or offered for sale in this state; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 1570 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Chandler and Morris)

AN ACT Relating to siting of energy facility projects; amending RCW 80.50.071; adding a new section to chapter 36.01 RCW; adding a new section to chapter 35.63 RCW; and adding a new section to chapter 35A.63 RCW.

Referred to Committee on Environment, Water & Energy.

ESHB 1636 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Upthegrove, Nealey, Ormsby, Green, Fitzgibbon, Liias, Orcutt, Maxwell, Sullivan, Pedersen, Anderson, Van De Wege, McCune, Orwall, Ross, Goodman, Sells, Bailey, Stanford, Pearson, Roberts, Kristiansen, Warnick, Cody, Moscoso and Billig)

AN ACT Relating to amateur sports officials; amending RCW 50.04.245; and adding a new section to chapter 50.04 RCW.

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Referred to Committee on Labor, Commerce & Consumer Protection.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of House Bill No. 1303 which was referred to the Committee on Health & Long-Term Care and House Bill No. 1334 which was referred to the Committee on Human Services & Corrections.

MOTION

At 10:10 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 11:06 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. 5018, by Senators Keiser, Conway, Shin, Schoesler, Hobbs, Kline and McAuliffe

Including wound care management in occupational therapy.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5018 was substituted for Senate Bill No. 5018 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5018 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator White, Senator Sheldon was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5018.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5018 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Sheldon

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SUBSTITUTE SENATE BILL NO. 5018, 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. 5232, by Senators Kilmer, Hobbs, Carrell, Keiser and Kohl-Welles

Authorizing prize-linked savings deposits.

MOTIONS

On motion of Senator Kilmer, Substitute Senate Bill No. 5232 was substituted for Senate Bill No. 5232 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kilmer, the rules were suspended, Substitute Senate Bill No. 5232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer and Holmquist Newbry spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5232.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5232 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Pflug and Prentice

Excused: Senator Sheldon

SUBSTITUTE SENATE BILL NO. 5232, 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. 5230, by Senators Ranker, Swecker, Litzow, Rockefeller, Regala, Kohl-Welles, Hargrove, Kline, Conway, Fraser, Nelson, Hobbs, Shin and Harper

Establishing the Puget Sound corps.

MOTION

On motion of Senator Ranker, Substitute Senate Bill No. 5230 was substituted for Senate Bill No. 5230 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Ranker moved that the following striking amendment by Senators Ranker and Morton be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the Washington conservation corps, the veterans conservation corps, and other state and nonprofit service corps contribute significantly to the priorities of state government to protect natural resources, including Puget Sound, while providing meaningful work experience for the state's youth, veterans, unemployed, and under-employed workforces.

(2) The legislature further finds that the long-term health of the economy of Washington depends on the sustainable management of its natural resources and that the livelihoods and revenues produced by Washington's forests, agricultural lands, estuaries, waterways, and watersheds would be enhanced by targeted, streamlined, and prioritized investments in clean water and habitat restoration.

(3) The legislature further finds that it is important to stretch limited public resources to advance the state's natural resource management priorities. Transformation of natural resource management and service delivery, including the creation of strategic partnerships among agencies and nongovernmental partners, will increase the efficiency and effectiveness of the expenditure of federal, state, and local funds for clean water and habitat rehabilitation projects.

(4) The legislature further finds that there are efficiencies to be gained by streamlining how the various conservation corps are administered, managed, funded, and deployed by the natural resources agencies. There are further efficiencies to be gained through coordinating the conservation corps with other state service corps programs, recruitment activities, and through public-private partnerships.

(5) The legislature further finds that the state should seek to expand the conservation corps in all areas of the state, deploying the corps to work on projects that advance established priorities including, but not limited to, the cleanup and rehabilitation of the Puget Sound ecosystem, oil spill response and cleanup, salmon recovery, and the reduction of wildfire and forest health hazards statewide.

(6) The legislature further finds that individuals with developmental disabilities would benefit from experiencing a meaningful work experience, and learning the value of labor and of membership in a productive society. As such, the legislature urges state agencies that are participating in the Washington conservation corps program to consider for enrollment in the program individuals with developmental disabilities, as defined in RCW 71A.10.020.

(7)(a) Therefore, it is the intent of the legislature to maintain the conservation corps statewide, to collaborate with the veterans conservation corps, to establish the Puget Sound corps, to streamline how government administers and manages the state's conservation corps to more efficiently expend the state's resources toward priority outcomes, including the recovery of the Puget Sound ecosystem to health by 2020, to increase opportunities for meaningful work experience, and to authorize public-private partnerships as a key element of corps activities.

(b) It is also the intent of the legislature to integrate into the Puget Sound corps the therapeutic and reintegration intent of the veterans conservation corps for veterans involved in the Puget Sound corps.

Sec. 2. RCW 43.220.020 and 1999 c 280 s 1 are each amended to read as follows:

(1) The Washington conservation corps is ((hereby)) created((,-to be implemented by)). The ((following state departments: The employment security department, the)) department of ecology((-the department of fish and wildlife, the department of natural resources, and the state parks and recreation commission)) must administer the corps as a partnership with the departments of natural resources and fish and wildlife, the state parks and recreation commission, and

when appropriate, other agencies and nonprofit organizations to advance the program goals outlined in section 5 of this act.

(2) The Puget Sound corps is created as a distinct program within the Washington conservation corps focused on the implementation of the specific program goals outlined in section 5 of this act.

NEW SECTION. Sec. 3. It is the intent of this act to centralize the administration of the Washington conservation corps, which was previously administered by the departments of ecology, natural resources, and fish and wildlife and the state parks and recreation commission, into the department of ecology. This act is prospective only, and any grant awards or conservation corps crew or individual placements finalized by other agencies or partners prior to the effective date of this section remain unaffected by this act.

Sec. 4. RCW 43.220.040 and 1999 c 280 s 3 and 1999 c 151 s 1301 are each reenacted and amended to read as follows:

((Unless the context clearly requires otherwise,)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Public lands" means any lands or waters, or interests therein, owned or administered by any agency or instrumentality of the state, federal, or local government.

(2) "Corps" means the Washington conservation corps, including the Puget Sound corps.

(3) "Corps member" means an individual enrolled in the Washington conservation corps.

(4) "Corps member leaders" or "specialists" means members of the corps who serve in leadership or training capacities or who provide specialized services other than or in addition to the types of work and services that are performed by the corps members in general.

(5) "Crew supervisor" means temporary, project, or permanent state employees who supervise corps members and coordinate work project design and completion.

(6) ((("Distressed area" has the meaning as defined in RCW 43.168.020.)) "Department" means the department of ecology.

(7) "Agency administrative costs" means indirect expenses such as personnel, payroll, contract administration, fiscal services, and other overhead costs.

(8) "Program support costs" include, but are not limited to, program planning, development of reports, job and career training, uniforms and equipment, and standard office space and utilities. Program support costs do not include direct scheduling and supervision of corps members.

NEW SECTION. Sec. 5. A new section is added to chapter 43.220 RCW to read as follows:

(1) The corps shall be organized and managed to complete projects with fee-for-service work crews that meet goals associated with the protection, promotion, enhancement, or rehabilitation of the following:

- (a) Public lands;
- (b) State natural resources;
- (c) Water quality;
- (d) Watershed health;
- (e) Fish and wildlife;
- (f) Habitat;
- (g) Outdoor recreation;
- (h) Forest health;
- (i) Wildfire risk reduction; and
- (j) State historic sites.

(2) In addition to the project goals outlined in subsection (1) of this section, the Puget Sound corps shall seek to deploy corps members with the specific goal of participating in the recovery of the Puget Sound ecosystem. The resources of the Puget Sound

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corps must be prioritized, when practicable, to focus on the following when located within the Puget Sound basin:

(a) Projects identified in, or consistent with, the action agenda developed by the Puget Sound partnership in chapter 90.71 RCW;

(b) Projects located on public lands;

(c) Habitat enhancement and rehabilitation projects; and

(d) Education and stewardship projects.

(3) Both the corps and the Puget Sound corps shall give preference to projects that satisfy the goals identified in this section and that:

(a) Will provide long-term benefits to the public;

(b) Will provide productive training and work experiences to the corps members involved;

(c) Expands or integrates training programs or career development opportunities for corps members;

(d) May result in payments to the state for services performed; and

(e) Can be promptly completed.

Sec. 6. RCW 43.220.060 and 1999 c 280 s 4 are each amended to read as follows:

(1) ~~((Each state department identified in RCW 43.220.020))~~ The department shall have the following powers and duties ((to carry out its functions relative to)) as necessary to administer the Washington conservation corps:

(a) Recruiting and employing staff, corps members, corps member leaders, and specialists consistent with RCW 43.220.070;

(b) Serving as the corps' central application recipient for grants from federal service projects and service organizations;

(c) Executing agreements for furnishing the services of the corps to carry out conservation corps programs to any federal, state, or local public agency, any local organization as specified in this chapter ((in concern)) that operates consistent with the overall objectives of the conservation corps;

~~((e))~~ (d) Applying for and accepting grants or contributions of funds from ((any private source)) the federal government, other public sources, or private funding sources for conservation corps projects and, when possible, other projects specifically targeted at Puget Sound recovery that can be accomplished with fee-for-service labor from the Puget Sound corps. Application priority must be given to funding sources only available to state agencies;

~~((d))~~ Determining a preference for those projects which will provide long-term benefits to the public, will provide productive training and work experiences to the members involved, will be labor intensive, may result in payments to the state for services performed, and can be promptly completed; and

~~(e)~~ Entering into agreements with community colleges within the state's community and technical college system and other educational institutions or independent nonprofit agencies to provide special education in basic skills, including reading, writing, and mathematics for those conservation corps members who may benefit by participation in such classes. Classes shall be scheduled after corps working hours. Participation by members is not mandatory but shall be strongly encouraged. The participation shall be a primary factor in determining whether the opportunity for corps membership beyond one year shall be offered. Instruction related to the specific role of the department in resource conservation shall also be offered, either in a classroom setting or as is otherwise appropriate)) (e) Establishing consistent work standards and placement and evaluation procedures of corps programs; and

(f) Selecting, reviewing, approving, and evaluating the success of corps projects.

(2) The department may partner with any other state agencies, local institutions, nonprofit organizations, or nonprofit service corps organizations in the administration of the corps. However, when partnering with the Washington department of veterans affairs,

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participation criteria and other administrative decisions affecting participants in the veterans conservation corps created under chapter 43.60A RCW are to be determined by the Washington department of veterans affairs. Other state agencies may maintain a coordinator for the purposes of partnering with the department and the corps.

(3) If deemed practicable, the department shall work with the state board for community and technical colleges created in RCW 28B.50.050 to align the conservation corps program with optional career pathways for participants that may provide instruction in basic skills in addition to the appropriate technical training.

(4) The assignment of corps members shall not result in the displacement of currently employed workers, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits. ((Supervising)) Agencies that participate in the program may not terminate, lay-off, or reduce the working hours of any employee for the purpose of using a corps member with available funds. In circumstances where substantial efficiencies or a public purpose may result, ((supervising)) participating agencies may use corps members to carry out essential agency work or contractual functions without displacing current employees.

~~((3))~~ (5) Facilities, supplies, motor vehicles, instruments, and tools of ((the supervising agency)) participating agencies shall be made available for use by the conservation corps to the extent that such use does not conflict with the normal duties of the agency. The agency may purchase, rent, or otherwise acquire other necessary tools, facilities, supplies, and instruments.

Sec. 7. RCW 43.220.070 and 1999 c 280 s 5 are each amended to read as follows:

(1) (a) Except as otherwise provided in this section, conservation corps members ((shall)) must be unemployed or underemployed residents of the state between eighteen and twenty-five years of age at the time of enrollment who are citizens or lawful permanent residents of the United States.

(b) The age requirements may be waived for corps leaders ((and)), veterans, specialists with special leadership or occupational skills((; such members shall be given special responsibility for providing leadership, character development, and sense of community responsibility to the corps members, groups, and work crews to which they are assigned. The upper age requirement may be waived for residents who have)), and participants with a sensory or mental handicap. ((Special effort shall be made to recruit minority and disadvantaged youth who meet selection criteria of the conservation corps. Preference shall be given to youths residing in areas, both urban and rural, in which there exists substantial unemployment exceeding the state average unemployment rate.

(2) The legislature finds that people with developmental disabilities would benefit from experiencing a meaningful work experience, and learning the value of labor and of membership in a productive society.

The legislature urges state agencies that are participating in the Washington conservation corps program to consider for enrollment in the program people who have developmental disabilities, as defined in RCW 71A.10.020.

If an agency chooses to enroll people with developmental disabilities in its Washington conservation corps program, the agency may apply to the United States department of labor, employment standards administration for a special subminimum wage certificate in order to be allowed to pay enrollees with developmental disabilities according to their individual levels of productivity))

(2) The recruitment of conservation corps members is the primary responsibility of the department. However, to the degree practicable, recruitment activities must be coordinated with the

following entities:

- (a) The department of natural resources;
- (b) The department of fish and wildlife;
- (c) The state parks and recreation commission;
- (d) The Washington department of veterans affairs;
- (e) The employment security department;
- (f) Community and technical colleges; and
- (g) Any other interested postsecondary educational institutions.

(3) Recruitment efforts must be targeted to, but not limited to, residents of the state who meet the participation eligibility requirements provided in this section and are either:

- (a) A student enrolled at a community or technical college, private career college, or a four-year college or university;
- (b) A minority or disadvantaged youth residing in an urban or rural area of the state; or
- (c) Military veterans.

~~((3))~~ (4) Corps members shall not be considered state employees. Other provisions of law relating to civil service, hours of work, rate of compensation, sick leave, unemployment compensation, state retirement plans, and vacation leave do not apply to the Washington conservation corps except for the crew supervisors, who shall be project employees, and the administrative and supervisory personnel.

~~((4))~~ Enrollment shall be for a period of six months which may be extended for additional six month periods by mutual agreement of the corps and the corps member, not to exceed two years. Corps members shall be reimbursed at the minimum wage rate established by state or federal law, whichever is higher, which may be increased by up to five percent for each additional six month period worked. PROVIDED, That if agencies elect to run a residential program, the appropriate costs for room and board shall be deducted from the corps member's paycheck as provided in chapter 43.220 RCW.

~~((5))~~ (5) Except as otherwise provided in this section, participation as a corps member is for an initial period of three months. The enrollment period may be extended for additional three-month periods by mutual agreement of the department and the corps member, not to exceed two years.

(6)(a) Corps members are to be available at all times for emergency response services coordinated through the department ((of community, trade, and economic development)) or other public agency. Duties may include sandbagging and flood cleanup, oil spill response, wildfire suppression, search and rescue, and other functions in response to emergencies.

(b) Corps members may be assigned to longer-term specialized crews not subject to the temporal limitations of service otherwise imposed by this section when longer-term commitments satisfy the specialized needs of the department, an agency partner, or other service contractee.

Sec. 8. RCW 43.220.170 and 1983 1st ex.s. c 40 s 17 are each amended to read as follows:

The services of corps members ~~((placed with agencies listed in RCW 43.220.020))~~ are exempt from unemployment compensation coverage under RCW 50.44.040~~((5))~~ (4) and the enrollees shall be so advised by the department.

Sec. 9. RCW 43.220.231 and 1999 c 280 s 7 are each amended to read as follows:

(1) An amount not to exceed five percent of the funds available for the Washington conservation corps may be expended on agency administrative costs. ~~((Agency administrative costs are indirect expenses such as personnel, payroll, contract administration, fiscal services, and other overhead costs.))~~

(2) An amount not to exceed twenty percent of the funds available for the Washington conservation corps may be expended for costs included in subsection (1) of this section and program support costs. ~~((Program support costs include, but are not limited to, program planning, development of reports, job and career~~

~~training, uniforms and equipment, and standard office space and utilities. Program support costs do not include direct scheduling and supervision of corps members.))~~

(3) A minimum of eighty percent of the funds available for the Washington conservation corps shall be expended for corps member salaries and benefits and for direct supervision of corps members.

(4) Consistent with any fund source requirements, any state agency using federal funds to sponsor fee-for-service Washington conservation corps crews must contract with the Washington department of veterans affairs for at least five percent of the federal funding to sponsor veteran conservation corps crews operating under RCW 43.60A.150. This requirement applies statewide.

Sec. 10. RCW 43.220.250 and 1985 c 230 s 5 are each amended to read as follows:

A nonprofit corporation which contracts with ~~((an agency listed in RCW 43.220.020))~~ the department to provide a specific service, appropriate for the administration of this chapter which the ~~((agency))~~ department cannot otherwise provide, may be reimbursed at the discretion of the ~~((agency))~~ department for the reasonable costs the ~~((agency))~~ department would absorb for providing those services.

NEW SECTION. Sec. 11. A new section is added to chapter 43.220 RCW to read as follows:

(1) The director of the department of ecology and the commissioner of public lands shall jointly host an annual meeting with other corps program participants to serve as a forum for the partner agencies to provide guidance and feedback concerning the management and function of the corps.

(2) At a minimum, representatives of the following must be invited to participate at the annual meeting: The department of fish and wildlife; the state parks and recreation commission; the Puget Sound partnership; the department of veterans affairs; the employment security department; the Washington commission for national and community service; conservation districts; the state conservation commission; the salmon recovery funding board; the recreation and conservation office; the department of commerce; the department of health; or any similar successor organizations and any appropriate nonprofit organizations, including those engaged in service corps projects.

(3) Annual meeting participants shall, at a minimum:

(a) Review the conservation corps projects completed in the previous year, including an analysis of successes and opportunities for improvement; and

(b) Establish a work plan for the coming year, including the setting of annual priorities or criteria consistent with this chapter to guide crew development and the development of plans to pursue funding from various sources to expand the conservation corps.

NEW SECTION. Sec. 12. A new section is added to chapter 43.30 RCW under the subchapter heading "Part 5 Powers and Duties--General" to read as follows:

The department shall cooperate, when appropriate, as a partner in the Washington conservation corps established in chapter 43.220 RCW.

Sec. 13. RCW 43.60A.152 and 2007 c 451 s 5 are each amended to read as follows:

~~((4))~~ The department shall collaborate with the ((state agencies)) department of ecology and the department of natural resources and any of its partnering agencies in implementing the Washington conservation corps, created in chapter 43.220 RCW, to maximize the utilization of both conservation corps programs. These agencies shall work together to identify stewardship and maintenance projects on ((agency-managed)) public lands that are suitable for work by veterans conservation corps enrollees. The department may expend funds appropriated to the veterans conservation corps program to defray the costs of education,

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training, and certification associated with the enrollees participating in such projects.

~~((2) By September 30, 2007, the department, in conjunction with the state agencies identified in subsection (1) of this section, shall provide to the office of financial management and to the appropriate committees of the senate and house of representatives a report that:~~

~~—(a) Identifies projects on state agency managed lands that are currently planned for veterans conservation corps enrollee participation;~~

~~—(b) Identifies additional projects on state agency managed lands that are suitable for veterans conservation corps enrollee participation and for which funding is currently in place for such participation; and~~

~~—(c) Identifies additional projects on state agency managed lands for which project implementation has been funded or is included in the agency's multiennial stewardship plans, and that are suitable for veterans conservation corps enrollee participation in the event that additional funding is provided to the department for associated training, education, and certification.)~~

Sec. 14. RCW 79A.05.545 and 1999 c 249 s 701 are each amended to read as follows:

The commission shall cooperate ~~((in implementing and operating the)), when appropriate, as a partner in the Washington conservation corps ((as required by)) established in chapter 43.220 RCW.~~

NEW SECTION. Sec. 15. A new section is added to chapter 77.12 RCW to read as follows:

The department shall cooperate, when appropriate, as a partner in the Washington conservation corps established in chapter 43.220 RCW.

Sec. 16. RCW 77.85.130 and 2007 c 341 s 36 and 2007 c 257 s 1 are each reenacted and amended to read as follows:

(1) The salmon recovery funding board shall develop procedures and criteria for allocation of funds for salmon habitat projects and salmon recovery activities on a statewide basis to address the highest priorities for salmon habitat protection and restoration. To the extent practicable the board shall adopt an annual allocation of funding. The allocation should address both protection and restoration of habitat, and should recognize the varying needs in each area of the state on an equitable basis. The board has the discretion to partially fund, or to fund in phases, salmon habitat projects. The board may annually establish a maximum amount of funding available for any individual project, subject to available funding. No projects required solely as a mitigation or a condition of permitting are eligible for funding.

(2)(a) In evaluating, ranking, and awarding funds for projects and activities the board shall give preference to projects that:

(i) Are based upon the limiting factors analysis identified under RCW 77.85.060;

(ii) Provide a greater benefit to salmon recovery based upon the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHAP), and any comparable science-based assessment when available;

(iii) Will benefit listed species and other fish species;

(iv) Will preserve high quality salmonid habitat;

(v) Are included in a regional or watershed-based salmon recovery plan that accords the project, action, or area a high priority for funding;

(vi) Are, except as provided in RCW 77.85.240, sponsored by an entity that is a Puget Sound partner, as defined in RCW 90.71.010; and

(vii) Are projects referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

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(b) In evaluating, ranking, and awarding funds for projects and activities the board shall also give consideration to projects that:

(i) Are the most cost-effective;

(ii) Have the greatest matched or in-kind funding;

(iii) Will be implemented by a sponsor with a successful record of project implementation;

(iv) Involve members of the Washington conservation corps established in chapter 43.220 RCW or the veterans conservation corps established in RCW 43.60A.150; and

(v) Are part of a regionwide list developed by lead entities.

(3) The board may reject, but not add, projects from a habitat project list submitted by a lead entity for funding.

(4) The board shall establish criteria for determining when block grants may be made to a lead entity. The board may provide block grants to the lead entity to implement habitat project lists developed under RCW 77.85.050, subject to available funding. The board shall determine an equitable minimum amount of project funds for each recovery region, and shall distribute the remainder of funds on a competitive basis. The board may also provide block grants to the lead entity or regional recovery organization to assist in carrying out functions described under this chapter. Block grants must be expended consistent with the priorities established for the board in subsection (2) of this section. Lead entities or regional recovery organizations receiving block grants under this subsection shall provide an annual report to the board summarizing how funds were expended for activities consistent with this chapter, including the types of projects funded, project outcomes, monitoring results, and administrative costs.

(5) The board may waive or modify portions of the allocation procedures and standards adopted under this section in the award of grants or loans to conform to legislative appropriations directing an alternative award procedure or when the funds to be awarded are from federal or other sources requiring other allocation procedures or standards as a condition of the board's receipt of the funds. The board shall develop an integrated process to manage the allocation of funding from federal and state sources to minimize delays in the award of funding while recognizing the differences in state and legislative appropriation timing.

(6) The board may award a grant or loan for a salmon recovery project on private or public land when the landowner has a legal obligation under local, state, or federal law to perform the project, when expedited action provides a clear benefit to salmon recovery, and there will be harm to salmon recovery if the project is delayed. For purposes of this subsection, a legal obligation does not include a project required solely as a mitigation or a condition of permitting.

(7) Property acquired or improved by a project sponsor may be conveyed to a federal agency if: (a) The agency agrees to comply with all terms of the grant or loan to which the project sponsor was obligated; or (b) the board approves: (i) Changes in the terms of the grant or loan, and the revision or removal of binding deed of right instruments; and (ii) a memorandum of understanding or similar document ensuring that the facility or property will retain, to the extent feasible, adequate habitat protections; and (c) the appropriate legislative authority of the county or city with jurisdiction over the project area approves the transfer and provides notification to the board.

(8) Any project sponsor receiving funding from the salmon recovery funding board that is not subject to disclosure under chapter 42.56 RCW must, as a mandatory contractual prerequisite to receiving the funding, agree to disclose any information in regards to the expenditure of that funding as if the project sponsor was subject to the requirements of chapter 42.56 RCW.

(9) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if

the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

(1) RCW 43.220.010 (Legislative declaration) and 1983 1st ex.s. c 40 s 2;

(2) RCW 43.220.030 (Program goals) and 1999 c 280 s 2, 1987 c 367 s 1, & 1983 1st ex.s. c 40 s 3;

(3) RCW 43.220.080 (Selection of corps members--Development of corps program) and 1983 1st ex.s. c 40 s 8;

(4) RCW 43.220.090 (Conservation corps established in department of ecology--Work project areas) and 1994 c 264 s 33 & 1983 1st ex.s. c 40 s 9;

(5) RCW 43.220.120 (Conservation corps established in department of fish and wildlife--Work project areas) and 1999 c 280 s 6, 1994 c 264 s 34, 1988 c 36 s 24, & 1983 1st ex.s. c 40 s 12;

(6) RCW 43.220.130 (Conservation corps established in department of natural resources--Work project areas) and 1983 1st ex.s. c 40 s 13;

(7) RCW 43.220.160 (Conservation corps established in state parks and recreation commission--Work project areas) and 1999 c 249 s 702 & 1983 1st ex.s. c 40 s 16;

(8) RCW 43.220.180 (Identification of historic properties and sites in need of rehabilitation or renovation--Use of corps members) and 1983 1st ex.s. c 40 s 18;

(9) RCW 43.220.190 (Duties of agencies) and 1999 c 151 s 1302, 1987 c 367 s 3, & 1983 1st ex.s. c 40 s 20;

(10) RCW 43.220.210 (Selection, review, approval, and evaluation of projects--Recruitment, job training and placement services) and 1999 c 151 s 1303, 1987 c 367 s 4, & 1985 c 230 s 1;

(11) RCW 79A.05.500 (Declaration of purpose) and 2000 c 11 s 42, 1969 ex.s. c 96 s 1, & 1965 c 8 s 43.51.500;

(12) RCW 79A.05.505 (Youth development and conservation division established--Supervisory personnel) and 1999 c 249 s 1201 & 1965 c 8 s 43.51.510;

(13) RCW 79A.05.510 (Composition of youth corps--Qualifications, conditions, period of enrollment, etc) and 1975 c 7 s 1, 1969 ex.s. c 96 s 3, & 1965 c 8 s 43.51.530;

(14) RCW 79A.05.515 (Compensation--Quarters--Hospital services, etc) and 1999 c 249 s 1202, 1982 c 70 s 1, 1975 c 7 s 2, & 1965 c 8 s 43.51.540;

(15) RCW 79A.05.520 (Laws relating to hours, conditions of employment, civil service, etc., not applicable) and 2000 c 11 s 43 & 1965 c 8 s 43.51.550;

(16) RCW 79A.05.525 (Expenditures, gifts, government surplus materials) and 1965 c 8 s 43.51.560;

(17) RCW 79A.05.530 (Agreements with private persons to enroll additional people--Commercial activities prohibited--Authorized closures of area) and 1975 c 7 s 3, 1973 1st ex.s. c 154 s 85, & 1965 c 8 s 43.51.570;

(18) RCW 79A.05.535 (Agreements with and acceptance of grants from federal government authorized) and 2000 c 11 s 44 & 1965 ex.s. c 48 s 1; and

(19) RCW 79A.05.540 (Agreements with and acceptance of grants from federal government authorized--Length of enrollment and compensation in accordance with federal standards authorized) and 2000 c 11 s 45 & 1965 ex.s. c 48 s 2."

Senators Ranker, Morton, Litzow and Hobbs 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 Senators Ranker and Morton to Substitute Senate Bill No. 5230.

The motion by Senator Ranker 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 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 43.220.020, 43.220.060, 43.220.070, 43.220.170, 43.220.231, 43.220.250, 43.60A.152, and 79A.05.545; reenacting and amending RCW 43.220.040 and 77.85.130; adding new sections to chapter 43.220 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 77.12 RCW; creating new sections; and repealing RCW 43.220.010, 43.220.030, 43.220.080, 43.220.090, 43.220.120, 43.220.130, 43.220.160, 43.220.180, 43.220.190, 43.220.210, 79A.05.500, 79A.05.505, 79A.05.510, 79A.05.515, 79A.05.520, 79A.05.525, 79A.05.530, 79A.05.535, and 79A.05.540."

MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Substitute Senate Bill No. 5230 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 Engrossed Substitute Senate Bill No. 5230.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5230 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Haugen, Hewitt, Hill, Hobbs, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Shin, Swecker, Tom and White

Voting nay: Senators Carrell, Delvin, Hatfield, Holmquist Newbry, Honeyford, Schoesler, Stevens and Zarelli

Excused: Senator Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5230, 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. 5075, by Senators Fain, Hobbs, Benton, Litzow, Keiser and Tom

Changing the expiration dates of the mortgage lending fraud prosecution account and its revenue source.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Bill No. 5075 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain, Hobbs and Schoesler spoke in favor of passage of the bill.

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POINT OF ORDER

Senator Litzow: "Are pages allowed to give speeches on the Senate floor?"

POINT OF ORDER

Senator Honeyford: "Well thank you Mr. President. I noticed that the Senator from the Forty-Seventh District did not seek permission from the President to read. Therefore, I was wondering if you would strike all of his comments and put this bill down for future consideration?"

The President declared the question before the Senate to be the final passage of Senate Bill No. 5075.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5075 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Holmquist Newbry and Stevens

Excused: Senator Sheldon

SENATE BILL NO. 5075, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator King: "Well, I was wondering whether or not, and I always thought, the Senate had an age limit on who could serve in this committee or this body? I have to tell you the Senator's whose bill we just passed, had an occasion to have an early morning meeting with him and I also have the privilege of living with my daughter and son-in-law who just had a new baby boy and he's about fourteen or fifteen months old. They have just started to feed him. I think it's called rice cereal. If you've ever watched a baby first time they try to do that, you know it's all over their face and you have this spoon you know and I would have to tell you. I had this early morning meeting with the good Senator from the Forty-Seventh and he had this spot on his chin and it kind of looked like oatmeal and I tried the hardest that I could to find this spoon that had that special coating on it, you know, but anyway we got it taken care of. I'm very privileged to serve with the good Senator from the Forty-Seventh and it's good to have you here. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Ranker: "Article II, Section 7 of the State Constitution states that 'no person shall', I'm going to be referring to some notes here Mr. President if that's ok. Thank you. It states that 'no person shall be eligible to the legislature who is not a citizen of the United States or qualified to vote in the district for which he is chosen.' Article VI, Section 1, of our State Constitution very important document, states that 'all persons must be of eighteen years of age or to be entitled to vote.' Those two sections very clearly state that you must be eighteen years of age to serve in this Washington State Senate. Therefore I move

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for expulsion of Senator Fain from the Senate unless he can prove that he is at least eighteen years of age."

PERSONAL PRIVILEGE

Senator Fain: "I don't have my wallet in these pants! I will make sure to get you a copy of my birth certificate. It's in Hawaii. Mr. President, I rise in great appreciation for the good-humored roasting by my fellow colleagues with the exception from the good Senator from the Forty-Fourth. The good Republican, I mean Democrat, I mean Road Kill Senator from the Forty-Fourth District. This has been a tremendous seven weeks, I guess it's been, experiencing the Senate and each of new colleagues for the first time. It's been very rewarding and as is customary I believe we have the opportunity to share some gifts from the Forty-Seventh District with each of my colleagues so I believe that the Pages are passing that out and I will recite what is inside these wonderful things. I believe there are folks that are from Eastern Washington particularly that will appreciate the salted cured meats from the Forty-Seventh Districts, O Boy Oberto headquarters. As well as some chocolates from Gosanko Chocolates in Auburn. Also, one of the truly remarkable destinations in the Forty-Seventh District, Emerald Down Racetrack. You'll have a gate pass that you can use when we get into the racing season and this is an incredible place. I live just a few blocks away. Employees directly and indirectly over twenty-five hundred folks in the South County area and is really an economic engine. The whole horseracing industry is a real economic engine for the State of Washington. Finally, to the good Senator from the Thirty-Third's point about my piece of legislation not having anything to do with truly one of the most important issues facing South King County at this time which is this flood protection in the Green River Valley, I would like to have a special gift for each of the members who serve on the Senate Ways & Means Committee. Pages will be distributing a miniature bag of sand, this miniature bag of sand is a subtle but gentle reminder that, Senator from the Thirty-Third District, in my flood protection bill is currently before your committee in dire need of execution and bringing it to the floor. Thank you so much Mr. President."

SECOND READING

SENATE BILL NO. 5174, by Senators Chase, McAuliffe, Prentice, Nelson, Kohl-Welles, Shin and Kline

Encouraging instruction in the history of civil rights.

The measure was read the second time.

MOTION

On motion of Senator Chase, the rules were suspended, Senate Bill No. 5174 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Chase, McAuliffe and Conway spoke in favor of passage of the bill.

Senator Schoesler spoke on final passage of the bill.

MOTION

On motion of Senator Benton, Senator Roach was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5174.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5174 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Roach and Sheldon

SENATE BILL NO. 5174, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator King: “Well, I just want it on the record that I had the pleasure of working with the good Senator whose bill we just passed when she was in the House. I have seen the tenacity and the drive when she goes after a bill that she either wants to kill or that she likes. I want to tell you, I was scared to vote no. Thank you Mr. President.”

PERSONAL PRIVILEGE

Senator Kastama: “It’s been a very distinct pleasure to have Senator Chase to be the Vice Chair of my committee. She has made a tremendous impact. We consider her the more scholarly one of all the members of our committee. She reads almost all the materials and she can cite chapter and verse of anything and go ahead and use that as evidence. We also know on the committee she’s not afraid to let you know what she thinks. She’s very up front; she’ll tell you exactly what she thinks in no uncertain terms. The big debate on the committee right now is. Are we influencing her behavior more or is she influencing our behavior? I actually think we’re influencing her behavior a tremendous amount but you know having said that on that last bill if you wouldn’t have voted for that you would have been ‘an idiot’ and a ‘pin head.’ Also, I got to tell you, Senator Baumgartner, I know you’re on that committee and got a degree from Harvard. I got a degree from Berkley. You know we get one of your degrees every time we eat caramel corn. You get what I mean? Senator Holmquist Newbry, Article V, Section III, subsection VIII of the Bretton Woods Conference, 1935, states that each member shall vote two-hundred fifty times. How fair can that be? Anyway, and Senator Shin don’t get me going on Chapter 11 with the Free Trade agreement, anyway. Mr. President, these are kind of inside jokes but I would like to say it’s been a tremendous pleasure to have her on this...Senator Fain, are you looking at me? You’re looking at me? Ok, I’ll tell you, you look at me again I’m going to Article I, Section 33 right here. Anyway, Mr. President, it has been a tremendous honor to have her on the committee and I think we’re having a positive influence. Thank you.”

PERSONAL PRIVILEGE

Senator Chase: “Thank you very much Mr. President. I want to tell my new colleagues how much I love being in the Senate. You cannot imagine what a joy it is to be over here. I have such great respect for this body that it is truly an honor to serve with you. I want you to know too that it is an honor to have passed this

bill today in the presence of my grandson. Chase would you stand up please? That’s my grandson. You know my life has been involved in civil rights. Since I was very, very young and I was young in 1961 when I watched the Freedom Riders which Senator Kline was a part of. I marched in many of the marches. I did miss one that I wish I had been. Martin Luther King came to Seattle in November of 1961. He was not welcomed with open arms and so it is indeed a pleasure to know that now we have King County named after him and that this body has passed a resolution encouraging civil rights legislation. I think that speaks well for our state. I’m also pleased to tell you some other good news about my district. We hear a lot about economic development and I do love the Economic Development Committee and serving under Senator Kastama. He’s just a great chair. We talk a lot about innovation and talk about how do we train our youngsters or the next generation for the jobs of the future? Well, Shoreline Community College is a prime example of really good news for you. We have an automotive program out there, I’m not into cars, I’ll tell you that, but if you’re into cars it’s eye candy because just as we have all the new cars in our society somebody has to be trained to fix them, you know, and to service them. We at Shoreline Community College put between six and ten thousand students through our automotive training program every year and those kids come out starting sixty thousand dollars a year. Within three years they can be making one-hundred twenty thousand. These are certificate programs and community college programs. We also have a clean technology program. We have a partnership between Washington State University, the Shoreline Chamber of Commerce, the City of Shoreline and Shoreline Community College to try to help small businesses learn about the clean economy. You will be getting a booklet on Sunrise in the State of Washington. We also have the longest running solar festival in the Puget Sound corridor so I know you all like toys so I’m giving you a little tiny electric car. Which actually works. It really does work and a key chain from the automotive program and finally, we talk a lot about small business, and one of the nice things about having small business is many of them are home based and we have one business that help put together your good news packet and I might add this good news packet has cellophane bags, not plastic bags. That’s very important to be consistent on these things, and it was made by a little home based business called Flights of Fancy. So, I hope you will enjoy it. The final thing there’s a little box of candy in there. We have a candy cluster developing in North King County, South Snohomish County called Nanna’s Candy. They source all their candy from local vendors. So, with that I thank you all very much for making me feel so welcome and so happy in this body. Thank you very much.”

PERSONAL PRIVILEGE

Senator Delvin: “Thank you Mr. President. I know we received two gifts today and I really do appreciate the two new members and I know the times are tough, you know, but I was looking through that package of recycled beef and I noticed they all have exceeded their expiration dates. So, I guess you got a good deal in this tough economy. I appreciate that and a newspaper. That is a great gift Mr. President. A newspaper is a great gift. Most of us can’t read but it’s a great gift. Thank you.”

MOTION

At 12:07 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Thursday, February 24, 2011.

BRAD OWEN, President of the Senate

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1329-S	Introduction & 1 st Reading	4	5852	Introduction & 1 st Reading.....	2
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