

THIRTY EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 16, 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 Hill, Holmquist Newbry and Zarelli.

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 15, 2011

SB 5021 Prime Sponsor, Senator Pridemore: Enhancing election campaign disclosure requirements to promote greater transparency for the public. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5021 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase and Nelson.

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

Passed to Committee on Ways & Means.

February 15, 2011

SB 5194 Prime Sponsor, Senator White: Limiting the use of fertilizer containing phosphorus. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5194 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Nelson, Vice Chair; Chase; Fraser and Ranker.

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

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford and Morton.

Passed to Committee on Rules for second reading.

February 15, 2011

SB 5221 Prime Sponsor, Senator Swecker: Establishing the intrastate building safety mutual aid system. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5221 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

February 15, 2011

SB 5248 Prime Sponsor, Senator Hobbs: Allowing the negotiated sale and conveyance of all or part of a water system by a municipal corporation to first class and code cities. Reported by Committee on Government Operations, Tribal Relations & Elections

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

MINORITY recommendation: Do not pass. Signed by Senators Prentice, Vice Chair and Benton.

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

Passed to Committee on Rules for second reading.

February 15, 2011

SB 5265 Prime Sponsor, Senator Swecker: Authorizing multijurisdiction flood control zones. Reported by Committee on Government Operations, Tribal Relations & Elections

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

Passed to Committee on Rules for second reading.

February 15, 2011

SB 5281 Prime Sponsor, Senator Hobbs: Addressing public utility districts and deferred compensation and supplemental savings plans. Reported by Committee on Government Operations, Tribal Relations & Elections

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

Passed to Committee on Rules for second reading.

February 15, 2011

SB 5294 Prime Sponsor, Senator Swecker: Regarding hours of availability of special purpose districts for inspection and copying of public records. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5294 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Benton and Chase.

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

Passed to Committee on Rules for second reading.

February 15, 2011

SB 5350 Prime Sponsor, Senator Honeyford: Concerning the unlawful dumping or depositing of solid waste. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5350 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Nelson, Vice Chair; Honeyford; Chase; Delvin; Fraser; Holmquist Newbry; Morton and Ranker.

Passed to Committee on Rules for second reading.

February 15, 2011

SB 5360 Prime Sponsor, Senator Swecker: Delaying or modifying certain regulatory and statutory requirements affecting cities and counties. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5360 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Swecker; Benton; Chase and Nelson.

Passed to Committee on Natural Resources & Marine Waters.

February 15, 2011

SB 5420 Prime Sponsor, Senator Hobbs: Establishing the intrastate mutual aid system. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5420 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase and Nelson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Benton and Roach.

Passed to Committee on Rules for second reading.

February 15, 2011

SB 5468 Prime Sponsor, Senator Pridemore: Creating the office of forecast councils. Reported by Committee on Government Operations, Tribal Relations & Elections

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

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

Passed to Committee on Ways & Means.

February 15, 2011

SB 5485 Prime Sponsor, Senator Hargrove: Maximizing the use of our state's natural resources. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5485 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Nelson, Vice Chair; Honeyford; Chase; Fraser; Morton and Ranker.

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

Passed to Committee on Rules for second reading.

February 15, 2011

SB 5509 Prime Sponsor, Senator Kline: Mitigating carbon dioxide emissions resulting from fossil-fueled electrical generation. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5509 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Nelson, Vice Chair; Honeyford; Chase; Fraser and Ranker.

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

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

Passed to Committee on Rules for second reading.

February 15, 2011

SB 5555 Prime Sponsor, Senator Parlette: Concerning interbasin transfers of water rights. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5555 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Nelson, Vice Chair; Honeyford; Chase; Fraser; Morton and Ranker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Delvin and Holmquist Newbry.

Passed to Committee on Rules for second reading.

February 15, 2011

SB 5635 Prime Sponsor, Senator Honeyford: Concerning changes in the point of a diversion under a surface water right permit. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That Substitute Senate Bill No. 5635 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Chair; Nelson, Vice Chair; Honeyford; Chase; Delvin; Fraser; Holmquist Newbry; Morton and Ranker.

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.

THIRTY EIGHTH DAY, FEBRUARY 16, 2011

2011 REGULAR SESSION

INTRODUCTION AND FIRST READING

SB 5809 by Senator Rockefeller

AN ACT Relating to prohibiting the use of tradable evidence of nonpower attributes as a declared resource for electric utility fuel mix disclosures; and amending RCW 19.29A.010.

Referred to Committee on Environment, Water & Energy.

SB 5810 by Senators Kline, Keiser, Conway and Kohl-Welles

AN ACT Relating to residential mortgage loan servicers; and amending RCW 31.04.015 and 31.04.290.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5811 by Senator Morton

AN ACT Relating to the allowance of point-of-entry and point-of-use treatment in public water systems in certain circumstances; adding a new section to chapter 70.119A RCW; and creating a new section.

Referred to Committee on Environment, Water & Energy.

SB 5812 by Senators Chase and Prentice

AN ACT Relating to studying Washington's fiscal resources, structure, and needs; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5813 by Senators Kohl-Welles, Hargrove, Regala and Shin

AN ACT Relating to increasing fee assessments for prostitution crimes; and amending RCW 9A.88.120.

Referred to Committee on Human Services & Corrections.

SB 5814 by Senators Fraser, Honeyford, Shin, Swecker, Haugen and King

AN ACT Relating to extending current use valuation to the residential property of small farms that is integral to the use of classified land for agricultural purposes; amending RCW 84.34.020; and creating new sections.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5815 by Senator Fraser

AN ACT Relating to rates and charges established by local boards of health to finance on-site sewage programs; and adding a new section to chapter 70.05 RCW.

Referred to Committee on Environment, Water & Energy.

SB 5816 by Senators Chase, Kohl-Welles, Rockefeller, Nelson, Keiser, Kline, Conway, Prentice and Fraser

AN ACT Relating to terminating certain tax preferences to provide funding for maintaining basic health program enrollment; amending RCW 82.04.4292, 82.48.010, 82.48.020, 82.48.030, 82.48.070, 82.48.080, 82.48.110, 47.68.230, 82.48.090, 82.12.020, and 82.12.035; reenacting and amending RCW 82.04.050 and 82.12.010; adding a new section to chapter 82.48 RCW; adding a new section to chapter 82.04 RCW; creating a new section; repealing RCW 82.08.811 and 82.12.811; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5817 by Senator Prentice

AN ACT Relating to extending the expiration of the agency council on coordinated transportation; and amending RCW 47.06B.900 and 47.06B.901.

Referred to Committee on Transportation.

SB 5818 by Senator Litzow

AN ACT Relating to mandating certain long-term care facilities to report incidents of death caused by health case-associated infections; adding a new section to chapter 18.20 RCW; adding a new section to chapter 18.51 RCW; and adding a new section to chapter 70.128 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5819 by Senator Litzow

AN ACT Relating to guardian and limited guardian duties; amending RCW 11.92.043; and providing an effective date.

Referred to Committee on Judiciary.

SJM 8007 by Senators Kline, Conway and Kohl-Welles

Requesting Congress to amend the United States Constitution that provides corporations are not persons under the laws of the United States or any of its jurisdictional subdivisions.

Referred to Committee on Judiciary.

MOTION

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

MOTION

At 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 11:07 a.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

February 16, 2011

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1086 and asks the Senate to for a conference thereon. The Speaker has appointed the following members as conferees; Representatives: Alexander, Hunter, Sullivan and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 1086 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1086 and the House amendment(s) there to: Senators Murray, Zarelli and Hobbs.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Brown moved that Gubernatorial Appointment No. 9139, Chris Marr, as a member of the Liquor Control Board, be confirmed.

Senators Brown and Baumgartner spoke in favor of passage of the motion.

MOTION

On motion of Senator Ericksen, Senators Hill and Holmquist Newbry were excused.

APPOINTMENT OF CHRIS MARR

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9139, Chris Marr as a member of the Liquor Control Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9139, Chris Marr as a member of the Liquor Control Board and the appointment was confirmed by the following vote: Yeas, 43; Nays, 3; Absent, 1; Excused, 2.

Voting yea: Senators Baumgartner, Baxter, Becker, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hobbs, Kastama,

Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and White

Voting nay: Senators Benton, Honeyford and Ranker

Absent: Senator Zarelli

Excused: Senators Hill and Holmquist Newbry

Gubernatorial Appointment No. 9139, Chris Marr, having received the constitutional majority was declared confirmed as a member of the Liquor Control Board.

JOINT SESSION

The Sergeant at Arms announced the arrival of the House. The President requested that the Sergeant at Arms of the Senate and the Sergeant at Arms of the House escort Speaker Pro Tempore Jim Moeller to his seat on the Rostrum. The Representatives were invited to seats within the Chamber.

The President called the joint session to order. The Secretary called the roll of the members of the Senate and House and announced a quorum was present.

The President introduced the statewide elected officials: the Honorable Christine Gregoire, Governor; The Honorable Barbara Madsen, Chief Justice of the Supreme Court; The Honorable Mary Fairhurst, of Justice of the Supreme Court.

The Washington State Patrol Honor Guard presented the colors.

Sergeant Tim Coley of the Washington State Patrol performed the National Anthem.

REMARKS BY THE PRESIDENT

President Owen: "Members of the Legislature and distinguished guests. The purpose of this joint session is to conduct a memorial service in memory of departed former members of the legislature and to honor their service. This has been our longstanding custom.

For more than a century the Senate and House have met as we do today to pay special and fitting tribute to the lives and service of these valued public servants and to express our sympathies to their families and friends. One hundred years ago on this occasion, a speaker noted that the legislators who now occupy the place of those who have passed gathered to pay tribute to their memory and express gratitude for the worth of their character and their fortitude in framing this greatest state of the northwest.

A century later, that remains the purpose of our joint session today.

On behalf of the Senate and the House of Representatives, I would like to extend a warm welcome to the family members, friends and colleagues of those we remember and honor today."

The President called upon the Speaker Pro Tempore Moeller to preside over the Joint Session.

Reverend Jimmie James, Greater Things Ministries of Kent offered the Invocation: "Today we are here to remember those that have served our state of Washington in the humbled yet noble positions of senators and representatives in these legislative bodies. We share in the loss and grief of their passing, but rejoice in the courage and strength of their servant hood leadership to make Washington state a better place to live, not just for the few, but for all.

THIRTY EIGHTH DAY, FEBRUARY 16, 2011

2011 REGULAR SESSION

I believe if they were here today, witnessing the economic burden the legislature is challenged with today, they might quote the psalmist David saying, ‘God is our refuge and strength, an ever-present help in trouble.

therefore we will not fear, though the earth give way and the mountains fall into the heart of the sea,

though its waters roar and foam and the mountains quake with their surging. There is a river whose streams make glad the city of God, the holy place where the Most High dwells. God is within her, she will not fall;

God will help her at break of day nations are in uproar, kingdoms fall; He lifts His voice, the earth melts. The Lord Almighty is with us:’

A legislative member’s most fundamental responsibility is to protect citizens from the errant conduct of their neighbors, help preserve order—allowing people to live peaceful lives, and insuring that ‘justice runs down like water and righteousness like a mighty stream.’ We thank God for all those who have served the people of Washington in this capacity.

We must never forget our gift of freedom and those who gave all to make sure future generations continue to know life in a free, democratic society. It is not a mistake that we are following the steps of those we honor today. We should meditate on the meaning of the words of prophet Jeremiah; that God says. ‘for I know the plans I have for you,’ declares the Lord, ‘plans to prosper you and not to harm you. Plans to give you hope and a future.’

So, in the spirit of that hope, in the spirit of that future, in the spirit of the legacy left to us by those we remember today; Let us pray.

O awesome and excellent God, remembering those who have passed is only half of the task that is before us today. We must also carry their love, honor and duty forward to the future generations that will pass. Our children must know who they were, what they did and why they did it. To do anything less, will be a disservice to their sacrifice and their memories. Though sadly missed, they are lovingly remembered; though absent in body, their spirit of justice, righteousness love, peace and joy rings throughout these hallowed halls of government.

May their legacy be implanted in our hearts to move us to think the right things and do the right things; to encourage us and strengthen us; to walk by faith and not by sight. That you God, are with us always, guiding us and leading us—always.

Thanks be to God. Amen”

Sergeant Tim Coley of the Washington State Patrol performed “Ave Maria.”

REMARKS BY THE SPEAKER

Mr. Speaker (Representative Moeller presiding): “We gather today to pay tribute to the contributions of the distinguished former members of the Washington State Senate and House of Representatives who have passed from among us. The people of our state are grateful for their service.

The Sixty-second Legislature conveys its respect for these deceased legislators. They once sat in these chambers, answered roll calls on critical bills, attended committee meetings, and sought always to make our state a better place to live. While their journey in this life is complete, their achievements, public record, and valued service are recorded in the journals of the Senate and House, and are forever a permanent part of our state’s history.

We express our sympathies to their families, friends and colleagues of these public servants. We also share with them on

this memorable occasion the fond and happy memories of these legislators. They leave a legacy of dedicated service that remains always in our hearts, our memories and the history of our state.”

Speaker Pro Tempore Moeller and the President called the roll of the deceased former members of the Senate and the House of Representatives. The deceased former members were memorialized by the senators and representatives assisted by candle lighters: Miss Emily Grubbs, Senate Page and Mr. Zach Barker, House Page.

<u>Member</u>	<u>District and Years served</u>
John Bagnariol	11 th & 35 th District House 1967-81 Memorialized by Senator Prentice
Arthur C. Brown	1 st District House 1969-76 Memorialized by Representative Hunt
Keith H. Campbell	5 th District House 1957-65 Memorialized by Representative Orsnby
Charles W. “Bill” Fromhold	49 th District House 2001-09 Memorialized by Senators Conway, Pridemore and Representative Moeller
Audrey Gruger	1 st District House 1976-82 Senate 1957-69 Memorialized by Senator McAuliffe
Harold Bruce “Jerry” Hanna	12 th District House 1955-57 Memorialized by Senator Parlette
Wanda H. Hansen	13 th District Senate 1992 Memorialized by Representative Warnick
Jeannette S. Hayner	16 th District House 1973-77 Senate 1977-93 Memorialized by Senator Hewitt
Gordon C. Herr	31 st District House 1963-64 Senate 1964-79 Memorialized by Representative Dammeier
Raymond E. “Bud” Isaacson	8 th District House 1979-87 Memorialized by Representative Haler
Arthur R. Paulsen	28 th District House 1947-53 Memorialized by Representative Kelley
John A. “Jack” Petrich	26 th District House 1957-59

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