

FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, March 15, 2010

The Senate was called to order at 12:00 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, McCaslin, Morton, Roach and Stevens.

The Sergeant at Arms Color Guard consisting of Senate employees, Samantha Lopez and Carolyn Schaefer, presented the Colors. Senator Shin offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

10-04

PROCLAMATION BY THE GOVERNOR

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2010 regular session March 11, 2010, the 60th day of the session; and

WHEREAS, work remains to be done with respect to biennial operating and capital budgets and bills necessary to implement those budgets; and

WHEREAS, work also remains to be done with respect to job creation and economic development;

NOW, THEREFORE, I, Christine O. Gregoire, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia on Monday, March 15, 2010 at noon, for a period of seven days for the purpose of enacting legislation as described above.

Signed and sealed with the official seal of the state of Washington this 11th day of March, A. D. Two Thousand and Ten at Olympia, Washington.

(Seal)

CHRISTINE GREGOIRE,
Governor of Washington

BY THE GOVERNOR:
SAM REED
Secretary of State

MOTION

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

MESSAGE FROM THE HOUSE

March 15, 2010

MR. PRESIDENT:
The House has adopted:
HOUSE CONCURRENT RESOLUTION 4409.
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SCR 8413 by Senator Brown

Specifying the status of bills, memorials, and resolutions for the 2010 first special session of the Sixty-first legislature.

HCR 4409 by Representatives Kessler and Kretz

Specifying the status of bills, memorials, and resolutions for the 2010 first special session of the Sixty-first legislature.

MOTION

On motion of Senator Eide, the rules were suspended and Senate Concurrent Resolution No. 8413 and House Concurrent Resolution No. 4409 were placed on the second reading calendar.

MOTION

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4409, by Representatives Kessler and Kretz

Specifying the status of bills, memorials, and resolutions for the 2010 first special session of the Sixty-first legislature.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4409 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4409.

HOUSE CONCURRENT RESOLUTION NO. 4409, was adopted by voice vote.

MOTION

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

MOTION

On motion of Senator Eide, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION
8719

By Senators Eide and Hewitt

WHEREAS, The Senate adopted permanent rules for the 2009-2011 biennium under Senate Floor Resolution 8601, as amended by Senate Floor Resolution 8603;

NOW, THEREFORE, BE IT RESOLVED, That Rules 45 and 62 are each amended as follows:

“Committee Rules

Rule 45. 1. At least five days notice shall be given of all public hearings held by any committee other than the rules committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing. By a majority vote of the committee members present at any committee meeting such notice may be dispensed with. The reason for such action shall be set forth in a written statement preserved in the records of the meeting.

2. No committee may hold a public hearing during a regular or extraordinary session on a proposal identified as a draft unless the draft has been made available to the public at least twenty-four hours prior to the hearing. This rule does not apply during the five days prior to any cutoff established by concurrent resolution nor does it apply to any measure exempted from the resolution.

3. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any committee or subcommittee of the senate shall be open to the public. In case of any disturbance or disorderly conduct at any such deliberations, the chair shall order the sergeant at arms to suppress the same and may order the meeting closed to any person or persons creating such disturbance.

4. No committee shall amend a measure, adopt a substitute bill, or vote upon any measure or appointment absent a quorum. A committee may conduct a hearing absent a quorum. A majority of any committee shall constitute a quorum and committees shall be considered to have a quorum present unless the question is raised. Any question as to quorum not raised at the time of the committee action is deemed waived.

5. Bills reported to the senate from a standing committee must have a majority report, which shall be prepared upon a printed standing committee report form; shall be adopted at a regularly or specially called meeting during a legislative session and shall be signed by a majority of the committee; and shall carry only one of the following recommendations:

- a. Do pass;
- b. Do pass as amended;
- c. That a substitute bill be substituted therefor, and the substitute bill do pass; or

d. Without recommendation.

In addition to one of the above-listed recommendations, a report may also recommend that a bill be referred to another committee.

6. A majority report of a committee must carry the signatures of a majority of the members of the committee. In the event a committee has a quorum pursuant to subsection 4 of this rule, a majority of the members present may act on a measure, subject to obtaining the signatures of a majority of the members of the committee on the majority report.

7. Any measure, appointment, substitute bill, or amendment still within a committee's possession before it has been reported out to the full senate may be reconsidered to correct an error, change language, or otherwise accurately reflect the will of the committee in its majority and minority reports to the full senate. Any such reconsideration may be made at any time, by any member of the committee, provided that the committee has not yet reported the measure, appointment, substitute bill, or amendment out to the full senate. Any such reconsideration made after a vote has been taken or signatures obtained will require a new vote and signature sheet. Any measure which does not receive a majority vote of the members present may be reconsidered at that meeting and may again be considered upon motion of any committee member if one day's notice of said motion is provided to all committee members. For purposes of this rule, a committee is deemed to have reported a measure, appointment, substitute bill, or amendment out when it has delivered its majority and minority reports to the senate workroom. After such delivery, the committee no longer has possession of the measure, appointment, substitute bill, or amendment and no further committee action, including reconsideration, may be taken.

8. Any member of the committee not concurring in the majority report may sign a minority report containing a recommendation of “do not pass” or “without recommendation,” which shall be signed by those members of the committee subscribing thereto, and submitted with the majority report. In every case where a majority report form is circulated for signature, a minority report form shall also be circulated.

9. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute bill the first time and have the same ordered printed.

A motion for the substitution of the substitute bill for the original bill shall not be in order until the committee on rules places the original bill on the second reading calendar.

10. No vote in any committee shall be taken by secret ballot nor shall any committee have a policy of secrecy as to any vote on action taken in such committee.

11. All reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session. During any special session of the legislature, this rule may be suspended by a majority vote.”

“Reading of Bills

Rule 62. Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule. On and after the tenth day preceding adjournment sine die of any session, or three days prior to any cut-off date for consideration of bills, as determined pursuant to Article 2, Section 12 of the Constitution or concurrent resolution, or during any special session of the legislature, this rule may be suspended by a majority vote. (See also Rule 59).”

Senators Eide, Hewitt and Brown spoke in favor of adoption of the resolution.

MOTION

FIRST DAY, MARCH 15, 2010

2010 1ST SPECIAL SESSION

On motion of Senator Marr, Senator Haugen was excused.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8719.

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

MOTION

Senator Hewitt moved adoption of the following resolution:

SENATE RESOLUTION
8717

By Senators Hewitt, Becker, Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Gordon, Hargrove, Haugen, Holmquist, Jacobsen, Kauffman, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Parlette, Pflug, Prentice, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Zarelli, McCaslin, Swecker, Brandland, Franklin, Hatfield, Hobbs, and Fraser

WHEREAS, Dennis R. Lewis is retiring this year as Director of Senate Security; and

WHEREAS, Denny, as he is known by his friends, colleagues, and his Senate family, has been part of the security team for the Washington State Senate since the 1995 session and a permanent member of Senate Security since serving as Sergeant at Arms during the 1997 session; and

WHEREAS, Denny served in many capacities as a Washington State Patrol Trooper starting with his original assignment in 1969 as a Patrol Cadet in Ellensburg and including executive protection, special services, bomb detection, and capitol security; and

WHEREAS, Denny served as the regional vice president of the National Governor's Security Association in 1982; and

WHEREAS, Denny is a native of the beautiful Pacific Northwest having been born and raised in Oregon and attended Benson Polytechnic High School in Portland and the Washington State Patrol Academy; and

WHEREAS, Denny was a member of the United States Air Force for eight years and served in Vietnam and the Philippines; and

WHEREAS, The Senate thanks Denny's wife, Nancy, and his children Kristine and Travis for sharing him with us for the past 16 years; and

WHEREAS, Denny has honorably, bravely, and selflessly dedicated himself to the protection of all those who serve and work in the Senate and the citizens who come to the Capitol to participate in their government; and

WHEREAS, Denny, with his always ready smile and kind words, is respected and admired by the members of his Senate family; and

WHEREAS, Denny is regarded by other security staff as the most considerate gentleman they have ever worked for; and

WHEREAS, When Denny called to check on things while on vacation he was always told: "The fire is out, nobody was injured, and we should be back in the building in a week." To which he replied, "I'm never calling you guys again." But he always did, because he always cared; and

WHEREAS, Denny has probably made more than a million cups of coffee in the last 16 years for thirsty and tired senators;

NOW, THEREFORE, BE IT RESOLVED, That the members, with the Washington State Patrol and staff of the Washington State Senate acknowledge and honor Dennis R. Lewis for his 39 years of

service to the State of Washington, and extend our heartfelt gratitude for his friendship and his concern for our safety; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Dennis R. Lewis.

Senators Hewitt, Eide, Honeyford, Fraser, Parlette, Kohl-Welles and Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8717.

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

INTRODUCTION OF SPECIAL GUESTS

The President and introduced Mr. Denny Lewis, Director of Senate Security who was present on the floor of the Senate.

MOTION

At 12:30 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:05 p.m. by President Owen.

MOTION

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

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5899, by Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Franklin, Kastama, Shin, Marr, McAuliffe, Haugen, Brown, Berkey, Prentice, Fairley, Regala, Keiser, Eide, Rockefeller, Murray, Hatfield, Hargrove, Sheldon, Oemig and Kline).

Providing a business and occupation tax credit for qualified employment positions.

The bill was read on Third Reading.

Senator Kilmer spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senators Benton, McCaslin, Morton, Roach and Stevens were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5899.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5899 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King,

Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Excused: Senators Benton, McCaslin, Morton, Roach and Stevens

ENGROSSED SUBSTITUTE SENATE BILL NO. 5899, 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.

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 6675, by Senate Committee on Ways & Means (originally sponsored by Senators Murray, Pflug, Shin, Kastama, Kohl-Welles and Kilmer).

Creating the Washington global health technologies and product development competitiveness program and allowing certain tax credits for program contributions.

The bill was read on Third Reading.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6675.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6675 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senator Oemig

Excused: Senators Benton, McCaslin, Morton, Roach and Stevens

SECOND SUBSTITUTE SENATE BILL NO. 6675, 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.

THIRD READING

SENATE JOINT RESOLUTION NO. 8225, by Senators Fraser, Brandland and Prentice.

Resolving to define "interest" in the state Constitution.

The resolution was read on Third Reading.

Senator Fraser spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Senate Joint Resolution No. 8225.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8225 and the resolution passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Excused: Senators Benton, McCaslin, Morton, Roach and Stevens

SENATE JOINT RESOLUTION NO. 8225, having received the constitutional majority, was declared passed.

THIRD READING

SUBSTITUTE SENATE BILL NO. 6706, by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Murray, Delvin, Kastama, Shin, Marr, Kilmer and Kohl-Welles).

Concerning the commercialization of research at state universities.

The bill was read on Third Reading.

Senator Murray 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. 6706.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6706 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Excused: Senators Benton, McCaslin, Morton, Roach and Stevens

SUBSTITUTE SENATE BILL NO. 6706, 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.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6444, by Senate Committee on Ways & Means (originally sponsored by Senators Prentice and Tom).

Making 2010 operating supplemental appropriations. Revised for 1st Substitute: Making 2010 supplemental operating appropriations.

The bill was read on Third Reading.

Senators Prentice, Brown and Hargrove spoke in favor of passage of the bill.

Senators Zarelli, Pflug, Hewitt, Carrell, King and Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6444.

FIRST DAY, MARCH 15, 2010

2010 1ST SPECIAL SESSION

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6444 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 19; Absent, 0; Excused, 5.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Fraser, Gordon, Hargrove, Hatfield, Haugen, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller and Shin

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Franklin, Hewitt, Hobbs, Holmquist, Honeyford, Kilmer, King, Marr, Parlette, Pflug, Schoesler, Sheldon, Swecker, Tom and Zarelli

Excused: Senators Benton, McCaslin, Morton, Roach and Stevens

ENGROSSED SUBSTITUTE SENATE BILL NO. 6444, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 6444 was immediately transmitted to the House of Representatives.

MOTION

At 2:38 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Tuesday, March 15, 2010.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

4409	Adopted.....	1	Third Reading Final Passage.....	4
	Introduction & 1 st Reading.....	1	8225	
	Messages.....	1	Third Reading.....	4
	Other Action.....	1	Third Reading Final Passage.....	4
	Second Reading.....	1	8413	
5899-S	Third Reading.....	3	Introduction & 1 st Reading.....	1
	Third Reading Final Passage.....	4	Other Action.....	1
6444-S	Third Reading.....	4	8717	
	Third Reading Final Passage.....	5	Adopted.....	3
6675-S2	Third Reading.....	4	Introduced.....	3
	Third Reading Final Passage.....	4	8719	
6706-S	Third Reading.....	4	Adopted.....	3
			Introduced.....	2
			MESSAGE FROM GOVERNOR, PROCLAMATION.....	1
			PRESIDENT OF THE SENATE	
			Intro. Special Guest, Denny Lewis.....	3

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