

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 28, 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 Delvin, Erickson, Haugen, Holmquist Newbry, Ranker, Sheldon, Swecker and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Elizabeth Gallagher and Theresa Gallagher, presented the Colors. Chaplain Nolin Han Stratton of the Seattle Division of the Department of Veterans Affairs Puget Sound Health Care System 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

January 26, 2011

SB 5036 Prime Sponsor, Senator Regala: Eliminating expiration dates for the derelict vessel and invasive species removal fee. Reported by Committee on Natural Resources & Marine Waters

MAJORITY recommendation: That Substitute Senate Bill No. 5036 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton; Fraser; Hargrove; Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 26, 2011

SB 5090 Prime Sponsor, Senator Regala: Extending the expiration date of the invasive species council and the invasive species council account from December 31, 2011, to June 30, 2017. Reported by Committee on Natural Resources & Marine Waters

MAJORITY recommendation: Do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton; Fraser; Hargrove and Swecker.

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

Passed to Committee on Rules for second reading.

January 27, 2011

SB 5183 Prime Sponsor, Senator White: Recognizing "Native American Heritage Day." 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.

January 26, 2011

SB 5230 Prime Sponsor, Senator Ranker: Establishing the Puget Sound corps. Reported by Committee on Natural Resources & Marine Waters

MAJORITY recommendation: That Substitute Senate Bill No. 5230 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton; Fraser; Hargrove; Stevens and Swecker.

Passed to Committee on Rules for second reading.

January 27, 2011

SB 5307 Prime Sponsor, Senator Kilmer: Concerning evaluating military training and experience toward meeting licensing requirements in medical professions. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5307 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Carrell; Kline; Murray; Parlette; Pflug and Pridemore.

Passed to Committee on Rules for second reading.

**REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS**

January 27, 2011

SGA 9134 SUZAN DELBENE, appointed on December 16, 2010, for the term ending at the governors pleasure, as Member of the Department of Revenue. Reported by Committee on Ways & Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Fraser; Hatfield; Hewitt; Holmquist Newbry; Keiser; Kohl-Welles; Regala; Rockefeller and Tom.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

January 27, 2011

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CHRIS MARR, appointed February 1, 2011, for the term ending January 15, 2017, as Member of the Liquor Control Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce & Consumer Protection.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5514 by Senators Pflug and Keiser

AN ACT Relating to the health care facilities authority; amending RCW 70.37.010 and 70.37.030; and reenacting and amending RCW 70.37.050.

Referred to Committee on Health & Long-Term Care.

SB 5515 by Senators Pflug, Keiser, Becker, Kastama, Murray, Parlette and Shin

AN ACT Relating to freestanding emergency rooms; amending RCW 70.41.020 and 43.70.052; adding new sections to chapter 70.41 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5516 by Senators Tom, Hill, Becker, Kilmer, White and Shin

AN ACT Relating to advance payments for equipment maintenance services for institutions of higher education; and amending RCW 43.88.160.

Referred to Committee on Higher Education & Workforce Development.

SB 5517 by Senators Tom, Hill, Kilmer and Shin

AN ACT Relating to exempting institutions of higher education that do not use archives and records management services from payment for those services; and amending RCW 40.14.025.

Referred to Committee on Higher Education & Workforce Development.

SB 5518 by Senators Tom, Hill and Kilmer

AN ACT Relating to direct deposit of salaries; and amending RCW 41.04.240 and 42.16.010.

Referred to Committee on Ways & Means.

SB 5519 by Senators Tom, Hill, Kilmer and Shin

AN ACT Relating to public contracting authority; amending RCW 28B.10.029, 39.04.370, 39.29.011, 39.29.018, and 43.19.1906; and reenacting and amending RCW 39.29.040.

Referred to Committee on Higher Education & Workforce Development.

SB 5520 by Senators Tom and Kilmer

AN ACT Relating to rates and charges for storm water control facilities; and amending RCW 35.67.025 and 35.92.021.

Referred to Committee on Environment, Water & Energy.

SB 5521 by Senators Tom, Kastama, Kilmer and Shin

AN ACT Relating to the commercialization of state university technology; and amending RCW 28B.10.631 and 42.56.270.

Referred to Committee on Higher Education & Workforce Development.

SB 5522 by Senators Tom and Murray

AN ACT Relating to creating the office of the superintendent of public instruction as an executive branch agency; amending RCW 28A.300.010, 28A.300.030, 28A.300.035, 28A.300.040, 43.17.010, 43.17.020, 42.17A.705, 29A.04.110, 29A.24.191, 29A.32.031, 29A.36.121, 29A.52.231, 43.01.010, 43.01.020, and 43.03.010; reenacting and amending RCW 42.17A.005; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; recodifying RCW 28A.300.010, 28A.300.020, 28A.300.030, 28A.300.040, 28A.300.050, 28A.300.120, and 28A.300.220; and providing a contingent effective date.

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

SB 5523 by Senators Tom, Litzow, Hobbs, Zarelli, Hatfield, Kastama, Haugen, Rockefeller, Hewitt, Schoesler and Shin

AN ACT Relating to state printing; amending RCW 1.08.039, 28A.300.040, 28B.10.029, 40.04.090, 40.06.030, 41.06.142, and 43.08.061; reenacting and amending RCW 41.06.070; creating new sections; repealing RCW 43.78.010, 43.78.020, 43.78.030, 43.78.040, 43.78.050, 43.78.070, 43.78.080, 43.78.090, 43.78.100, 43.78.105, 43.78.110, 43.78.170, 15.24.085, 15.62.190, 16.67.170, 40.04.030, and 40.07.050; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5524 by Senators White, Nelson, Hill, Delvin, Kilmer and Kohl-Welles

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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.

SB 5525 by Senators Kilmer and Carrell

AN ACT Relating to hospital benefit zones that have already formed; and amending RCW 39.100.020, 82.14.465, and 82.14.470.

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

SB 5526 by Senators Regala, Delvin, Eide, Zarelli, Murray, Pridemore, Holmquist Newbry, Morton, Hewitt, Chase, Honeyford, Fraser and McAuliffe

AN ACT Relating to incentives for stirling converters; amending RCW 82.04.294; and reenacting and amending RCW 82.16.110 and 82.16.120.

Referred to Committee on Environment, Water & Energy.

SB 5527 by Senators Hargrove, Carrell and Shin

AN ACT Relating to the use of an electronic benefit transfer system for the delivery of subsidized child care; adding a new section to chapter 43.215 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5528 by Senators Regala and Haugen

AN ACT Relating to eliminating the handling loss deduction for the motor vehicle fuel tax; repealing RCW 82.36.029; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5529 by Senators Pridemore and Ranker

AN ACT Relating to hydraulic project approval; amending RCW 77.55.011, 77.55.021, 77.55.031, and 77.55.141; adding new sections to chapter 77.55 RCW; creating new sections; repealing RCW 77.15.300 and 77.55.291; prescribing penalties; and providing expiration dates.

Referred to Committee on Natural Resources & Marine Waters.

SB 5530 by Senators Swecker, Kastama and Shin

AN ACT Relating to appeal and permit procedures under the shoreline management act; and amending RCW 90.58.180, 36.70C.030, 90.58.140, 34.05.461, and 43.21C.075.

Referred to Committee on Natural Resources & Marine Waters.

SB 5531 by Senators King, Prentice, Keiser and Shin

AN ACT Relating to the judicial costs of commitments for involuntary mental health treatment; amending RCW 71.05.110 and 71.24.300; reenacting and amending RCW 71.05.230; adding a new section to chapter 71.05 RCW; creating new sections; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 5532 by Senators Chase, Hobbs, King, Haugen, Delvin, Hill and White

AN ACT Relating to state route number 522; and creating new sections.

Referred to Committee on Transportation.

SB 5533 by Senators Hargrove, Fraser and Carrell

AN ACT Relating to court-ordered legal financial obligations collected by the county clerks; and amending RCW 2.56.190, 4.56.190, 9.94A.7606, 9.94A.7607, 9.94A.7608, and 9.94A.7609.

Referred to Committee on Human Services & Corrections.

SB 5534 by Senators Murray, Zarelli and Kohl-Welles

AN ACT Relating to the business and occupation taxation of newspapers; amending RCW 82.04.214 and 82.04.260; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5535 by Senators Honeyford, Kastama, Morton, Kilmer, Parlette, Becker, Stevens, Litzow, McAuliffe, Shin, Roach and Chase

AN ACT Relating to providing tax incentives for donations of modern laboratory equipment to higher education institutions and vocational skills centers; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5536 by Senators Rockefeller, Honeyford, Ranker, Nelson, Shin and Kline

AN ACT Relating to the management of water resources; amending RCW 90.03.255, 90.44.055, 90.44.050, 90.14.140, 90.14.160, 90.14.170, 90.14.180, 90.03.380, 90.03.380, 90.44.100, 90.44.100, 90.82.040, 90.82.043, 90.82.060, 90.82.060, and 90.03.470; reenacting and amending RCW 90.14.140; adding new sections to chapter 90.03 RCW; adding a new section to chapter 90.54 RCW; creating new sections; repealing RCW 90.14.240; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Environment, Water & Energy.

SB 5537 by Senators White and Prentice

AN ACT Relating to soliciting or accepting campaign contributions; reenacting and amending RCW 42.17.710 and 42.17A.560; providing an effective date; and providing an expiration date.

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

SB 5538 by Senator White

AN ACT Relating to members of certain nonprofit conservation corps programs; and adding a new section to chapter 50.65 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5539 by Senators Kohl-Welles, Prentice, White, Kilmer, Brown and McAuliffe

AN ACT Relating to Washington's motion picture competitiveness; amending RCW 43.365.020, 43.365.030, and 82.04.4489; and reenacting and amending RCW 43.365.010.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5540 by Senators Hobbs, Delvin, King and Hewitt

AN ACT Relating to automated school bus safety cameras; amending RCW 46.61.370, 46.63.030, 46.63.030, 46.63.075, 46.63.075, 46.16A.120, and 46.16A.120; adding a new section to chapter 46.63 RCW; creating a new section; prescribing penalties; and providing a contingent effective date.

Referred to Committee on Transportation.

SB 5541 by Senators Murray, Delvin, Haugen, Roach, King, White, Shin, Kohl-Welles and Kline

AN ACT Relating to regional mobility grants and tax incentives for improving transportation connectivity and efficiency; and amending RCW 47.66.030 and 82.80.030.

Referred to Committee on Transportation.

SB 5542 by Senators Delvin, Prentice, Honeyford, Hatfield, Schoesler, Hobbs and Hewitt

AN ACT Relating to establishing special license endorsements for cigar lounges and retail tobacconist shops; amending RCW 70.160.060; adding new sections to chapter 82.26 RCW; and declaring an emergency.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5543 by Senators Hargrove, Kohl-Welles, Chase, Nelson, Haugen, Swecker, Shin and Conway

AN ACT Relating to fire protection firms; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5544 by Senators Fraser and Zarelli

AN ACT Relating to sales and use tax exemptions for certain property and services used in manufacturing, research and development, or testing operations, not including changes to RCW 82.08.02565 and 82.12.02565 that reduce state revenue; amending RCW 82.08.02565, 82.04.120, and 82.32.585; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5545 by Senators Delvin, Kohl-Welles, Hargrove, Stevens, Fraser, Swecker, Chase, McAuliffe, White, Eide, Roach, Shin and Regala

AN ACT Relating to police investigations of commercial sexual exploitation of children and human trafficking; amending RCW 9.73.230 and 9.73.210; reenacting and amending RCW 9.68A.110; creating a new section; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 5546 by Senators Kohl-Welles, Delvin, Chase, Pflug, Fraser, Keiser, Rockefeller, Regala, Kline, Holmquist, Newbry, King, Shin, White, Stevens, Roach and Conway

AN ACT Relating to the crime of human trafficking; and amending RCW 9A.40.100 and 9A.40.010.

Referred to Committee on Judiciary.

SB 5547 by Senators Prentice, Benton and Hewitt

AN ACT Relating to removing the cap on the maximum number of small loans a borrower may have in a twelve-month period; and amending RCW 31.45.073.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5548 by Senators King and Keiser

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.

SB 5549 by Senators Murray, Regala, Kohl-Welles, White and Tom

AN ACT Relating to physical therapy; amending RCW 18.74.010 and 18.74.035; adding a new section to chapter 18.74 RCW; and repealing RCW 18.74.085.

Referred to Committee on Health & Long-Term Care.

SB 5550 by Senators Regala, Ranker, Swecker, Hargrove, Morton, Stevens, Fraser, Shin and Kohl-Welles

AN ACT Relating to annual rent rates for marina; amending RCW 79.105.060 and 79.105.240; adding a new section to chapter 79.105 RCW; and creating a new section.

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Referred to Committee on Natural Resources & Marine Waters.

SB 5551 by Senators Ranker, Swecker, Sheldon, Regala and Stevens

AN ACT Relating to the forestry riparian easement program; amending RCW 76.13.120, 76.13.140, and 76.13.160; creating a new section; and providing an expiration date.

Referred to Committee on Natural Resources & Marine Waters.

SB 5552 by Senators Kohl-Welles, Holmquist Newbry, Keiser, Conway, King and Shin

AN ACT Relating to protections against workplace harassment in antiharassment protection orders; and amending RCW 10.14.010, 10.14.020, 10.14.040, and 10.14.080; and adding new sections to chapter 10.14 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5553 by Senators Roach, Pridemore and Chase

AN ACT Relating to posting information on public agencies' web sites; adding a new section to chapter 42.30 RCW; providing an effective date; and declaring an emergency.

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

SB 5554 by Senators Roach and Chase

AN ACT Relating to identifying marks on ballots; and amending RCW 29A.36.111.

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

SB 5555 by Senators Parlette, Hatfield, Morton, Honeyford and Hewitt

AN ACT Relating to interbasin transfers of water rights; amending RCW 90.03.380 and 90.03.380; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Environment, Water & Energy.

SB 5556 by Senators Prentice, Fain and Keiser

AN ACT Relating to social card games in an area annexed by a city or town that allowed a house-banked social card game business to continue operating under RCW 9.46.295; and amending RCW 9.46.295.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5557 by Senators Prentice, Chase, Hobbs, White, McAuliffe, Nelson, Hargrove, Kastama, Regala, Rockefeller, Hatfield and Shin

AN ACT Relating to the Washington state office of civil rights; amending RCW 42.17.2401, 42.17A.705, 43.03.028, 43.17.010, 43.17.020, 39.19.020, 39.19.030, 39.19.060, 39.19.070, 39.19.075, 39.19.080, 39.19.120, 39.19.150, 39.19.170, 39.19.200, 39.19.240, 39.19.250, 39.10.220, 39.10.385, 39.10.450, 39.102.100, 43.63A.690, 49.60.010, 49.60.040, 49.60.100, 49.60.120, 49.60.150, 49.60.160, 49.60.170, 49.60.180, 49.60.226, 49.60.230, 49.60.240, 49.60.250, 49.60.260, 49.60.270, 49.60.310, 49.60.320, 49.60.340, 49.60.350, 49.60.360, 49.60.370, 2.56.031, 13.06.050, 28B.10.912, 28B.10.916, 28B.110.030, 28B.110.050, 34.12.037, 43.01.135, 43.43.340, 49.44.090, 49.74.010, 49.74.020, 49.74.030, 49.74.040, 43.60A.190, 43.60A.195, and 43.60A.200; reenacting and amending RCW 47.28.030, 43.86A.060, and 41.06.150; adding new sections to chapter 39.19 RCW; adding a new section to chapter 41.06 RCW; creating new sections; recodifying RCW 43.60A.190, 43.60A.195, and 43.60A.200; repealing RCW 39.19.010, 39.19.041, 39.19.140, 39.19.910, 39.19.920, 39.19.921, 41.06.082, 49.60.050, 49.60.051, 49.60.060, 49.60.070, 49.60.080, 49.60.090, 49.60.130, 49.60.390, 43.113.005, 43.113.010, 43.113.020, 43.113.030, 43.115.010, 43.115.020, 43.115.030, 43.115.040, 43.115.045, 43.115.060, 43.115.900, 43.117.010, 43.117.020, 43.117.030, 43.117.040, 43.117.050, 43.117.060, 43.117.070, 43.117.080, 43.117.090, 43.117.100, and 43.117.900; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency.

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

SJR 8212 by Senator Tom

Eliminating the superintendent of public instruction as a statewide elected official.

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

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 Senate Bill No. 5529 which was referred to the Committee on Natural Resources & Marine Waters.

The President announced the appointment of Senator Erickson to the Committee on Economic Development, Trade and Innovation.

MOTION

On motion of Senator Eide, the appointment was confirmed.

MOTION

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

MOTION

Senator Becker moved adoption of the following resolution:

SENATE RESOLUTION

8608

By Senators Becker, Benton, Fain, King, Schoesler, Stevens, Litzow, Honeyford, Morton, Delvin, and Swecker

WHEREAS, Rainier Connect has been serving the town of Eatonville for over 100 years; and

WHEREAS, Rainier Connect has been able to expand into neighboring South Sound communities; and

WHEREAS, Rainier Connect began as Mt. Tahoma Telephone and Telegraph in 1910 and, after several name changes, became Rainier Connect in 1995 and began providing internet access among other services; and

WHEREAS, The Christensen family took over the company in 1912 and it has now been in the Haynes family for five generations; and

WHEREAS, The history of Rainier Connect is deeply rooted in its family values; and

WHEREAS, Rainier Connect is devoted to the community;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commemorate Rainier Connect on the occasion of its centennial; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Rainier Connect.

Senator Becker spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8608.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Rainier Connect Company, Brian Haynes, Rainier Connect CEO & President; wife Aimee Hayes, children Ben & Jack; Dale Haynes; employees; Ronnie Johnson, Tim Patterson, Debbie Reding, Kelly Wienholz, Mark Carrier, Amanda Singleton, Andrew Imholt, Nick Emery, Lorraine Chambers and Dawn Davis who were seated in the gallery

MOTION

At 10:13 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, January 31, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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