

**THIRTY THIRD DAY**

---

MORNING SESSION

---

Senate Chamber, Olympia, Friday, February 11, 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 Hobbs and Litzow.

The Sergeant at Arms Color Guard consisting of Pages Sian Roche and Bradley Tate, presented the Colors. Senator Regala 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 10, 2011

SB 5152 Prime Sponsor, Senator Pflug: Regarding naturopathic physicians. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5152 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.

February 10, 2011

SB 5198 Prime Sponsor, Senator Pridemore: Providing for the joint provision and management of municipal water, wastewater, storm and flood water, and related utility services. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5198 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 9, 2011

SB 5361 Prime Sponsor, Senator Chase: Concerning the obligations of associate development organizations and the department of commerce. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Ericksen; Kilmer and Shin.

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

Passed to Committee on Rules for second reading.

February 10, 2011

SB 5458 Prime Sponsor, Senator Keiser: Concerning medicaid fraud. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5458 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Kline; Murray; Parlette; Pflug and Pridemore.

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

Passed to Committee on Ways & Means.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 5773 by Senators Zarelli, Baumgartner, Hill, Parlette, Schoesler, Ericksen and Holmquist Newbry

AN ACT Relating to making a health savings account option and high deductible health plan available to public employees; and amending RCW 41.05.065.

Referred to Committee on Ways & Means.

SB 5774 by Senator Hargrove

AN ACT Relating to consolidation of Cascadia Community College and Lake Washington Technical College; amending RCW 28B.45.020, 28B.45.0201, and 28B.50.040; creating a new section; repealing RCW 28B.50.1406; and providing an effective date.

Referred to Committee on Higher Education & Workforce Development.

SB 5775 by Senator Chase

AN ACT Relating to providing greater transparency to the health professions disciplinary process; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5776 by Senator Chase

AN ACT Relating to requiring informed consent prior to the administration of any drug when the patient has a known allergy to that drug or that family of drugs; and amending RCW 7.70.050 and 18.130.180.

Referred to Committee on Judiciary.

SB 5777 by Senator Chase

AN ACT Relating to protecting water quality; adding new sections to chapter 90.48 RCW; adding a new section to chapter 28A.230 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment, Water & Energy.

SB 5778 by Senators Chase, McAuliffe, Shin and Kline

AN ACT Relating to providing incentives for the collection and recycling of beverage containers; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Environment, Water & Energy.

SB 5779 by Senator Chase

AN ACT Relating to food service products; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Environment, Water & Energy.

SB 5780 by Senators Chase and Kline

AN ACT Relating to retail store carryout bags; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Environment, Water & Energy.

SB 5781 by Senator Chase

AN ACT Relating to petroleum-based beverage bottles; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Environment, Water & Energy.

SB 5782 by Senators Sheldon and Shin

AN ACT Relating to cemetery district formation requirements; and amending RCW 68.52.100 and 68.52.170.

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

SB 5783 by Senators Hargrove and Shin

AN ACT Relating to helping to ensure the viability of small forest landowners; amending RCW 76.13.130 and 76.13.120; and creating new sections.

Referred to Committee on Natural Resources & Marine Waters.

SB 5784 by Senators Litzow, Ranker, Swecker, Hobbs, Fain, Hill, Pridemore, Nelson, Rockefeller, Regala, Shin and Kline

AN ACT Relating to advancing the regional ocean partnership; adding new sections to chapter 43.143 RCW; and creating a new section.

Referred to Committee on Natural Resources & Marine Waters.

SB 5785 by Senators Murray, Kohl-Welles, White, Kline, Prentice, Nelson, Brown, McAuliffe and Keiser

AN ACT Relating to reconvening the Alaskan Way viaduct and Seattle Seawall replacement project expert review panel; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

SB 5786 by Senators Conway, Kastama, Kilmer and Shin

AN ACT Relating to local retail sales and use tax for parks and recreation, trails, and open space allocation; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Natural Resources & Marine Waters.

SJM 8006 by Senators Stevens, Shin and Delvin

Requesting that Congress approve the United States-Korea Free Trade Agreement.

Referred to Committee on Economic Development, Trade & Innovation.

#### MOTION

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

#### SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL 5135,  
SENATE CONCURRENT RESOLUTION 8400.,

#### MOTION

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

#### MOTION

Senator Hatfield moved adoption of the following resolution:

#### SENATE RESOLUTION 8618

By Senators Hatfield, Schoesler, Kastama, Pridemore, Hargrove, Conway, King, Hobbs, Tom, Sheldon, Swecker, Prentice, Ericksen, Delvin, Murray, Holmquist Newbry, Morton, Kohl-Welles, Fraser, Chase, and White

THIRTY THIRD DAY, FEBRUARY 11, 2011

2011 REGULAR SESSION

WHEREAS, The sport of football is a physically challenging, character-building, and team-oriented sport; and

WHEREAS, After 100 years of the program's establishment, the South Bend High School football team has triumphantly won their first-ever state football championship; and

WHEREAS, South Bend's championship trophy commemorates a football program of sportsmanship and excellence for the past century; and

WHEREAS, The South Bend High School football team is composed of dedicated and diligent students who have worked all season to hone their skills; and

WHEREAS, The key to the South Bend High School football team's success was a belief in each other as individuals and in themselves as a team; and

WHEREAS, The South Bend High School football team was united by a commitment on and off the field toward a common goal and never lost sight of their mission; and

WHEREAS, The outstanding student athletes honorably recognized this day are Shaquille Acrey, Levi Bale, Austin Boyes, Terrell Boyes, Kristian Burger, Samuel Diaz, Justin Elliott, Kyle Geiger, Kyle Hillery, Dennis Johnson, Matt Lewis, Zak McDougall, Jordan McGee, Tanner McGovern, Bradley Neumeyer, Dalyn Ogilvie, Marcus Overstake, Thomas Perez, Ignacio Ramirez, Brett Rose, Marq Samplawski, Myron Smith, Eric Stigall, Tra Stigall, and Ryan Vongmixay; and

WHEREAS, The South Bend High School football team was successfully supported to victory by Managers Ben Byington, Shawn Fuller, T.J. Hodgson, A.J. Sanchez, and Drew Rose by their exceptional sustenance care; and

WHEREAS, The South Bend High School football team under the guidance of a dedicated and driven group of Coaches Shane Byington, Mike Matlock, Shawn Friese, and Rich Sanchez were motivated by a common goal and dream; and

WHEREAS, An enduring legacy of strong leadership led the Indians to success and revitalized pride was provided by Head Coach Tom Sanchez, who joins father Bud Sanchez as the first father-son duo to win state football titles since the playoffs were instituted in 1973;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor South Bend High School for their first-ever football championship on the centennial anniversary of the program's inception; and

BE IT FURTHER RESOLVED, That the Washington State Senate honor the outstanding achievement of the South Bend High School football team on their success on the field and in the classroom; and

BE IT FURTHER RESOLVED, That the assistant coaches and managers of the team be applauded for their dedication and expertise in preparing these athletes for their outstanding 2010 season; and

BE IT FURTHER RESOLVED, That the head coach be commended for his prevailing leadership, loyalty, and devotion in leading these athletes to their enduring victory; and

BE IT FURTHER RESOLVED, That the families of these athletes also be commended for their support of their sons as they pursued their dream of a championship season; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Senate, South Bend High School, the Aberdeen Daily World, the Willapa Harbor Herald, the Chinook Observer, the South Beach Bulletin, the Montesano Vidette, the Longview Daily News, the Wahkiakum County Eagle, and the Pacific County Press.

Senator Hatfield spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8618.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the South Bend High School Football players and Coaches who were seated in the gallery.

MOTION

At 10:18 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 11:35 a.m. by President Owen.

MOTION

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

SECOND READING

ENGROSSED HOUSE BILL NO. 1091, by Representatives Sells, Reykdal and Kenney

Modifying the unemployment insurance program.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed House Bill No. 1091 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

MOTION

On motion of Senator Ericksen, Senator Litzow was excused.

Senator Holmquist Newbry spoke in favor of passage of the bill.

MOTION

On motion of Senator White, Senators Hobbs and Shin were excused.

Senators Kastama and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1091.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1091 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Holmquist Newbry, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, McAuliffe, Morton,

Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Stevens, Swecker, Tom, White and Zarelli

Voting nay: Senators Delvin, Ericksen, Honeyford and Schoesler

Excused: Senators Hobbs, Litzow and Shin

ENGROSSED HOUSE BILL NO. 1091, 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. 5061, by Senators Swecker, Haugen, King and Shin

Reconciling changes made to vehicle and vessel registration and title provisions during the 2010 legislative sessions.

The measure was read the second time.

#### MOTION

Senator Haugen moved that the following committee amendment by the Committee on Transportation be adopted:

On page 132, line 22 strike "Subsections (3) and (4)" and insert "~~((Subsections (3) and (4) Subsection (3))~~"

On page 133, line 23, after "RCW 79.100.100." strike all material through "year." On line 30 and insert the following:

~~"((If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer or appropriation of funds into the account or funds deposited into the account collected under subsection (5) of this section reaches one million dollars as of March 1<sup>st</sup> of any year, the collection of the two dollar derelict vessel and invasive species removal fee must be suspended for the following fiscal year.))"~~

Senator Haugen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Transportation to Senate Bill No. 5061.

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

#### MOTION

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

On page 132, line 32, after "Subsection" strike "(6)" and insert "~~((6)) (5))~~"

On page 133, line 5, strike "General fund" and insert "~~((General fund)) Subsection (6) of this section"~~

Senator Haugen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen on page 132, line 32 to Senate Bill No. 5061.

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

#### MOTION

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

On page 132, line 34, after "RCW 88.02.560(2)" strike "General fund" and insert "~~((General fund)) RCW 88.02.650"~~

Senator Haugen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen on page 132, line 34 to Senate Bill No. 5061.

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

#### MOTION

On motion of Senator Swecker, the rules were suspended, Engrossed Senate Bill No. 5061 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5061.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5061 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Hobbs, Litzow and Shin

ENGROSSED SENATE BILL NO. 5061, 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

At 12:02 p.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 1:36 p.m. by President Owen.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

February 11, 2011

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL 5135,

SENATE CONCURRENT RESOLUTION 8400.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MESSAGE FROM THE HOUSE

THIRTY THIRD DAY, FEBRUARY 11, 2011

2011 REGULAR SESSION

February 11, 2011

MOTION

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED HOUSE BILL 1091.  
and the same is herewith transmitted.

At 1:38 p.m., on motion of Senator Eide, the Senate adjourned  
until 12:00 noon, Monday, February 14, 2011.

BARBARA BAKER, Chief Clerk

BRAD OWEN, President of the Senate

SIGNED BY THE PRESIDENT

THOMAS HOEMANN, Secretary of the Senate

The President signed:

ENGROSSED HOUSE BILL 1091.



THIRTY THIRD DAY, FEBRUARY 11, 2011

2011 REGULAR SESSION

1091	President Signed.....5	5778	Introduction & 1 <sup>st</sup> Reading..... 2
	Second Reading.....3		Introduction & 1 <sup>st</sup> Reading..... 2
	Speaker Signed.....5	5779	Introduction & 1 <sup>st</sup> Reading..... 2
	Third Reading Final Passage.....3	5780	Introduction & 1 <sup>st</sup> Reading..... 2
5061	Other Action.....4	5781	Introduction & 1 <sup>st</sup> Reading..... 2
	Second Reading.....4		Introduction & 1 <sup>st</sup> Reading..... 2
	Third Reading Final Passage.....4	5782	Introduction & 1 <sup>st</sup> Reading..... 2
5135	President Signed.....2		Introduction & 1 <sup>st</sup> Reading..... 2
	Speaker Signed.....4	5783	Introduction & 1 <sup>st</sup> Reading..... 2
5152	Committee Report.....1		Introduction & 1 <sup>st</sup> Reading..... 2
5198	Committee Report.....1	5784	Introduction & 1 <sup>st</sup> Reading..... 2
5361	Committee Report.....1		Introduction & 1 <sup>st</sup> Reading..... 2
5458	Committee Report.....1	5785	Introduction & 1 <sup>st</sup> Reading..... 2
5773	Introduction & 1 <sup>st</sup> Reading.....1	5786	Introduction & 1 <sup>st</sup> Reading..... 2
5774	Introduction & 1 <sup>st</sup> Reading.....1	8006	Introduction & 1 <sup>st</sup> Reading..... 2
5775	Introduction & 1 <sup>st</sup> Reading.....1	8400	President Signed..... 2
5776	Introduction & 1 <sup>st</sup> Reading.....2		Speaker Signed..... 4
5777		8618	Adopted.....3
			Introduced..... 2
		PRESIDENT OF THE SENATE	
		Intro. Special Guests North Bend FB Players & Coaches..... 3	