

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 27, 2010

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 Benton, Brown, Fairley, Hargrove, Hobbs, Kauffman, Keiser, Parlette, Pridemore, Ranker, Sheldon and Tom.

The Sergeant at Arms Color Guard consisting of Pages Darcy Stamper and Lester Guske III, presented the Colors. Senator Shin 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 25, 2010

SB 5046 Prime Sponsor, Senator Kohl-Welles: Placing symphony orchestras, operas, and performing arts theaters under the jurisdiction of the public employment relations commission for purposes of collective bargaining. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5046 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Kline.

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

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

Passed to Committee on Rules for second reading.

January 25, 2010

SB 6263 Prime Sponsor, Senator Keiser: Establishing the Washington vaccine association. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6263 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Marr and Murray.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker and Parlette.

Passed to Committee on Ways & Means.

January 25, 2010

SB 6269 Prime Sponsor, Senator Keiser: Addressing conversion rights upon termination of eligibility for health plan

coverage. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Marr; Murray and Parlette.

Passed to Committee on Rules for second reading.

January 25, 2010

SB 6273 Prime Sponsor, Senator Swecker: Concerning insurance coverage of the sales tax for prescribed durable medical equipment and mobility enhancing equipment. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6273 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Murray and Parlette.

Passed to Committee on Rules for second reading.

January 26, 2010

SB 6293 Prime Sponsor, Senator Brandland: Changing provisions relating to rendering criminal assistance in the first degree. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6293 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Gordon; Hargrove and Roach.

Passed to Committee on Rules for second reading.

January 26, 2010

SB 6340 Prime Sponsor, Senator Regala: Changing the membership of the Washington state forensic investigations council. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6340 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Gordon; Hargrove and Roach.

Passed to Committee on Rules for second reading.

January 25, 2010

SB 6345 Prime Sponsor, Senator Eide: Addressing the use of wireless communications devices while driving. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6345 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Becker; Berkey; Delvin; Eide; Jacobsen; Kastama; Kauffman; Kilmer; King and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Hatfield and Sheldon.

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

Passed to Committee on Rules for second reading.

January 25, 2010

SB 6346 Prime Sponsor, Senator Ranker: Expanding the use of certain electric vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6346 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Hatfield; Jacobsen; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

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

Passed to Committee on Rules for second reading.

January 25, 2010

SB 6348 Prime Sponsor, Senator Ranker: Prohibiting certain communications of collection agencies and their employees. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6348 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; King and Kline.

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

Passed to Committee on Rules for second reading.

January 25, 2010

SB 6377 Prime Sponsor, Senator Haugen: Imposing an additional licensing fee on electric vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Hatfield; Jacobsen; Ranker and Sheldon.

MINORITY recommendation: Do not pass. Signed by Senator Kastama.

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

Passed to Committee on Rules for second reading.

January 25, 2010

SB 6392 Prime Sponsor, Senator Tom: Clarifying the use of revenue generated from tolling the state route number 520 corridor. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6392 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker; Becker; Berkey; Delvin; Eide; Hatfield; Jacobsen; Kastama; Kauffman; Kilmer; King; Ranker and Sheldon.

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

Passed to Committee on Rules for second reading.

January 26, 2010

SB 6521 Prime Sponsor, Senator Haugen: Requiring state agencies to use an agriculture impact statement. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6521 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Schoesler; Becker; Haugen; Morton and Shin.

Passed to Committee on Rules for second reading.

January 26, 2010

SB 6556 Prime Sponsor, Senator Hatfield: Changing the fees for certain types of agricultural burning. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6556 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Morton and Shin.

Passed to Committee on Rules for second reading.

January 26, 2010

SB 6559 Prime Sponsor, Senator Haugen: Protecting operation of anaerobic digesters under the Washington right to farm act. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Hatfield, Chair; Ranker, Vice Chair; Schoesler; Becker; Haugen; Morton and Shin.

Passed to Committee on Rules for second reading.

January 25, 2010

SB 6727 Prime Sponsor, Senator Marr: Concerning health sciences and services authorities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Marr; Murray and Parlette.

Passed to Committee on Ways & Means.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 26, 2010

SGA 9221 DAN O'NEAL, reappointed on June 26, 2009, for the term ending June 25, 2013, as Member of the Puget Sound Partnership. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Holmquist; Marr; Morton and Sheldon.

Passed to Committee on Rules for second reading.

SEVENTEENTH DAY, JANUARY 27, 2010

2010 REGULAR SESSION

January 26, 2010

SGA 9229 STEVE SAKUMA, reappointed on June 26, 2009, for the term ending June 25, 2013, as Member of the Puget Sound Partnership. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Holmquist; Marr; Morton and Sheldon.

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 19, 2010

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.

ORIN SMITH, appointed December 10, 2009, for the term ending September 30, 2015, as Member, Board of Regents, University of Washington.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

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 6778 by Senators McAuliffe, Shin, Kauffman and Kline

AN ACT Relating to establishing an alternative route to a high school diploma; amending RCW 28A.150.220, 28A.230.120, 28A.655.061, 28A.655.0611, and 28A.155.045; reenacting and amending RCW 28A.230.090; adding a new section to chapter 28A.230 RCW; creating a new section; and providing an effective date.

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

SB 6779 by Senators Kline, Carrell, Delvin and Roach

AN ACT Relating to pretrial release or detention; adding a new chapter to Title 10 RCW; and providing a contingent effective date.

Referred to Committee on Judiciary.

SB 6780 by Senators Keiser, Ranker, Kline, Delvin and Fairley

AN ACT Relating to community living for persons with developmental disabilities; amending RCW 71A.16.010 and 71A.16.040; adding new sections to chapter 71A.16 RCW; creating a new section; repealing RCW 71A.20.020 and 71A.20.080; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 6781 by Senators Keiser and Parlette

AN ACT Relating to establishing an interstate compact for the sale and issue of health benefit plans; adding a new chapter to Title 48 RCW; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 6782 by Senators King and Honeyford

AN ACT Relating to abatement of nuisances involving criminal street gang activity; adding a new chapter to Title 9 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6783 by Senators King and Honeyford

AN ACT Relating to criminal street gangs; amending RCW 9A.46.120, 9A.48.105, and 9.94A.533; reenacting and amending RCW 9.94A.515, 9.94A.411, and 13.40.0357; adding a new section to chapter 9A.46 RCW; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6784 by Senators King, Honeyford and Schoesler

AN ACT Relating to property used to facilitate a criminal street gang-related offense; and adding a new chapter to Title 7 RCW.

Referred to Committee on Judiciary.

SB 6785 by Senators King, Honeyford and Schoesler

AN ACT Relating to abatement of nuisances involving criminal street gang activity; and adding a new chapter to Title 7 RCW.

Referred to Committee on Judiciary.

SB 6786 by Senators Kastama, Swecker, Eide, Delvin, Hobbs, King, Murray, Hatfield, Berkey, Marr, Tom, Oemig, Haugen and Keiser

AN ACT Relating to restructuring state government; amending RCW 42.30.110; adding a new section to chapter 44.04 RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SB 6787 by Senators Carrell, Delvin and Roach

AN ACT Relating to the pretrial detention of the accused who may receive a life sentence or face a charge of a capital offense; adding a new chapter to Title 10 RCW; and providing a contingent effective date.

Referred to Committee on Judiciary.

SB 6788 by Senators Brown, Morton, Delvin and Marr

AN ACT Relating to dissolving the assets and affairs of a nonprofit corporation; amending RCW 24.03.265, 24.03.270, and 24.03.290; and declaring an emergency.

Referred to Committee on Judiciary.

SB 6789 by Senators Prentice, Zarelli, Murray, Hewitt, Holmquist and Parlette

AN ACT Relating to sales and use tax exemptions for certain equipment and infrastructure contained in data centers; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6790 by Senator Kastama

AN ACT Relating to providing regional economic development services; amending RCW 43.330.070 and 43.330.090; repealing RCW 43.330.080, 43.330.082, 43.330.084, and 43.330.086; and making appropriations.

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.

MOTION

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

MOTION

Senator Holmquist moved adoption of the following resolution:

SENATE RESOLUTION
8685

By Senators Holmquist, Morton, McCaslin, Honeyford, Rockefeller, Kohl-Welles, Prentice, Hewitt, King, and Franklin

WHEREAS, On April 26, 2008, the Central Washington University Wildcats' women's softball team played the Western Oregon University Wolves; and

WHEREAS, The Wildcats needed to win the game in order to keep their Great Northwest Athletic Conference championship hopes alive; and

WHEREAS, When the score was zero-zero, a Western Oregon player hit a home run, scoring the two runners on base; and

WHEREAS, While the batter failed to tag first base, she suddenly stopped and turned towards first to tag the base and while doing so suffered a crippling knee injury; and

WHEREAS, The rules of NCAA Division II Softball clearly stated that no Western Oregon player could help the injured runner touch the remaining bases; and

WHEREAS, Central Washington University first baseman Mallory Holtman and shortstop Liz Wallace exemplified outstanding sportsmanship by carrying the injured opponent around to touch the bases and score; and

WHEREAS, When asked why they did this, these inspirational women replied that it was "just the right thing to do"; and

WHEREAS, Even though Central Washington ultimately lost the game, these two players won our hearts; and

WHEREAS, Since their heartwarming display of selflessness during a 2008 game, Mallory Holtman and Liz Wallace have been honored and recognized with numerous awards; and

WHEREAS, One such award given was the 2008 ESPY "Best Moment" award for great sportsmanship; and

WHEREAS, Central Washington University was also recognized for its culture of sportsmanship with the 2008 America's Team Award from America's Team Charitable Foundation; and

WHEREAS, Mallory Holtman and Liz Wallace touched the life of another softball player by helping her achieve her first career home run; and

WHEREAS, In doing so they inspired citizens across the country during hard economic times and reminded us all that goodness, decency, and honor still prevail in collegiate sports;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor Mallory Holtman and Liz Wallace for their act of true sportsmanship; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Mallory Holtman, Liz Wallace, and Central Washington University.

Senators Holmquist, Shin and Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8685.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Central Washington University Wildcats softball team & coaches, Mallory Holtman, current assistant coach; Gary Frederick, CWU head softball coach; Jack Bishop, CWU Athletics Director; Director; Jim Gaudino, CWU President; Former State Senator Ann Anderson, CWU Director of Governmental Relations; and Steve DuPont, CWU Government Relations Specialist who were seated in the gallery.

MOTION

SEVENTEENTH DAY, JANUARY 27, 2010

2010 REGULAR SESSION

At 10:20 a.m., on motion of Senator Eide, the Senate
adjourned until 12:00 noon, Thursday, January 28, 2010.

THOMAS HOEMANN, Secretary of the Senate

BRAD OWEN, President of the Senate

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