

FORTY SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 24, 2011

The Senate was called to order at 10:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senator Sheldon.

The Sergeant at Arms Color Guard consisting of Pages Alyssa Armbruster and Max Kroeger, presented the Colors. Senator Haugen 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 22, 2011

SB 5000 Prime Sponsor, Senator Haugen: Mandating a twelve-hour impound hold on motor vehicles used by persons arrested for driving under the influence. Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5000 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; White, Vice Chair; King; Fain; Delvin; Ericksen; Hill; Hobbs; Litzow; Nelson; Prentice; Ranker; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 22, 2011

SB 5344 Prime Sponsor, Senator Kastama: Concerning an assessment of the department of transportation's management, accountability, and performance system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; White, Vice Chair; King; Fain; Delvin; Hill; Hobbs; Litzow; Nelson; Prentice; Ranker; Shin and Swecker.

Passed to Committee on Rules for second reading.

February 22, 2011

SJM 8003 Prime Sponsor, Senator Prentice: Requesting that Interstate 5 be named the "Purple Heart Trail." Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; White, Vice Chair; King; Fain; Delvin; Hill; Hobbs; Litzow; Nelson; Prentice; Ranker; Shin and Swecker.

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 reappointment, subject to your confirmation.

ELSIE HULSIZER, reappointed January 27, 2011, for the term ending December 26, 2014, as Member of the Board of Pilotage Commissioners.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

February 23, 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.

VAL OGDEN, appointed January 20, 2011, for the term ending July 1, 2015, as Member of the State School for the Deaf Board of Trustees.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

February 23, 2011

MR. PRESIDENT:

The House has passed:

HOUSE BILL 1014,
HOUSE BILL 1031,
SUBSTITUTE HOUSE BILL 1104,
SUBSTITUTE HOUSE BILL 1127,
HOUSE BILL 1286,
HOUSE BILL 1521,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 23, 2011

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1026.

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

SB 5855 by Senator Roach

AN ACT Relating to notifying the secretary of state when a person summoned for jury service does not meet the qualifications of a juror; and amending RCW 2.36.072.

Referred to Committee on Judiciary.

SB 5856 by Senators Hatfield, Delvin, Hobbs, Zarelli, Harper, Chase, Prentice and Shin

AN ACT Relating to authorizing the creation of a public speedway authority; amending RCW 36.38.010, 35.21.280, 36.70A.110, 70.107.080, 39.04.010, 76.09.460, 36.94.020, 36.94.030, 84.34.037, and 36.96.010; reenacting and amending RCW 84.33.140, 82.29A.130, and 35.91.020; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new chapter to Title 36 RCW; and creating a new section.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5857 by Senators Kohl-Welles, Murray, Keiser, Kline, Prentice, Rockefeller, Chase, Ranker, White, Nelson, Conway, Harper and Shin

AN ACT Relating to tax expenditure reform to provide transparency and accountability in fiscal matters; amending RCW 82.04.062, 82.08.010, 82.12.0251, 82.34.015, 82.66.020, 82.04.257, 82.04.110, 82.04.120, 82.04.260, 82.04.280, 82.04.280, 82.04.290, 82.04.360, 82.62.020, 82.73.020, 82.04.310, 82.04.310, 43.06.400, 43.88.030, 43.136.045, 43.136.055, and 43.136.065; reenacting and amending RCW 82.04.050, 82.12.010, and 82.04.250; repealing RCW 82.08.02081, 82.08.02087, 82.08.0253, 82.08.02565, 82.08.02566, 82.08.02568, 82.08.0257, 82.08.0259, 82.08.0267, 82.08.0272, 82.08.0274, 82.08.02745, 82.08.0277, 82.08.0288, 82.08.0294, 82.08.0296, 82.08.0298, 82.08.0311, 82.08.0315, 82.08.036, 82.08.806, 82.08.807, 82.08.810, 82.08.811, 82.08.820, 82.08.855, 82.08.865, 82.08.880, 82.08.890, 82.08.900, 82.08.910, 82.08.920, 82.08.990, 82.12.02081, 82.12.02087,

82.12.02565, 82.12.02566, 82.12.02568, 82.12.0258, 82.12.0261, 82.12.0254, 82.12.0262, 82.12.0267, 82.12.0268, 82.12.02685, 82.12.0273, 82.12.0283, 82.12.0294, 82.12.0296, 82.12.0298, 82.12.0311, 82.12.0315, 82.12.038, 82.12.037, 82.12.806, 82.12.807, 82.12.810, 82.12.811, 82.12.820, 82.12.855, 82.12.865, 82.12.880, 82.12.890, 82.12.900, 82.12.910, 82.12.920, 82.12.024, 82.12.0263, 82.12.0272, 82.12.800, 82.12.801, 82.12.802, 82.12.860, 82.66.040, 82.08.0289, 82.08.850, 82.12.850, 82.12.02085, 82.04.627, 82.08.0282, 47.01.412, 82.08.0203, 82.08.02525, 82.08.02535, 82.08.0256, 82.08.02569, 82.08.02573, 82.08.0261, 82.08.0262, 82.08.0263, 82.08.0264, 82.08.0265, 82.08.0266, 82.08.02665, 82.08.0268, 82.08.0269, 82.08.0271, 82.08.0273, 82.08.0275, 82.08.0278, 82.08.0279, 82.08.0285, 82.08.0287, 82.08.02875, 82.08.0291, 82.08.031, 82.08.700, 82.08.830, 82.08.834, 82.08.870, 82.12.02525, 82.12.0257, 82.12.02569, 82.12.930, 82.12.0269, 82.12.0274, 82.12.0279, 82.12.0282, 82.12.02917, 82.12.031, 82.12.700, 82.12.834, 82.12.845, 82.12.0254, 82.12.02595, 82.12.0264, 82.12.0265, 82.12.0266, 82.12.0284, 82.08.995, 82.12.995, 82.08.0253, 82.08.02537, 82.08.0289, 82.08.0293, 82.08.0316, 82.08.832, 82.12.0345, 82.12.0347, 82.12.0256, 82.12.0293, 82.12.0316, 82.12.832, 82.14.030, 82.12.035, 82.08.0205, 82.08.02082, 82.08.0255, 82.08.0206, 82.08.0258, 82.08.02795, 82.08.02805, 82.08.02806, 82.08.02807, 82.08.0281, 82.08.0283, 82.08.02915, 82.08.0299, 82.08.803, 82.08.804, 82.08.808, 82.08.925, 82.08.935, 82.08.940, 82.08.945, 82.08.985, 82.08.995, 82.08.997, 82.08.998, 82.12.0259, 82.12.02745, 82.12.02747, 82.12.02748, 82.12.02749, 82.12.0275, 82.12.0277, 82.12.02915, 82.12.803, 82.12.804, 82.12.808, 82.12.925, 82.12.935, 82.12.940, 82.12.945, 82.12.985, 82.12.995, 82.12.998, 82.04.2907, 82.04.298, 82.04.315, 82.04.317, 82.04.330, 82.04.331, 82.04.332, 82.04.333, 82.04.334, 82.04.337, 82.04.392, 82.04.405, 82.04.416, 82.04.421, 82.04.422, 82.04.425, 82.04.426, 82.04.4261, 82.04.4262, 82.04.4267, 82.04.4281, 82.04.4287, 82.04.4292, 82.04.4294, 82.04.4295, 82.04.4296, 82.04.433, 82.04.4333, 82.04.4339, 82.04.4451, 82.04.44525, 82.04.447, 82.04.4482, 82.04.4486, 82.04.601, 82.62.030, 82.04.2403, 82.04.255, 82.04.340, 82.04.424, 82.04.4272, 82.04.4285, 82.04.43391, 82.04.540, 82.04.645, 82.04.650, 82.04.410, 82.04.263, 82.04.339, 82.04.3395, 82.04.363, 82.04.3651, 82.04.367, 82.04.368, 82.04.370, 82.04.380, 82.04.385, 82.04.395, 82.04.397, 82.04.399, 82.04.408, 82.04.415, 82.04.418, 82.04.419, 82.04.4201, 82.04.4251, 82.04.4282, 82.04.4291, 82.04.4293, 82.04.432, 82.04.4322, 82.04.4324, 82.04.4326, 82.04.4327, 82.04.4332, 82.04.434, 82.04.600, 82.04.610, 82.04.615, 82.04.335, 82.04.338, 82.04.394, 82.04.4271, 82.04.640, 82.04.2905, 82.04.4298, 82.04.272, 82.04.2906, 82.04.2908, 82.04.324, 82.04.326, 82.04.327, 82.04.355, 82.04.4263, 82.04.4264, 82.04.4265, 82.04.4289, 82.04.4297, 82.04.4311, 82.04.4337, 82.04.620, and 82.04.635; providing effective dates; providing a contingent effective date; providing an expiration date; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

SJR 8216 by Senators Benton, Roach, Stevens, Morton, Zarelli, Swecker, Holmquist Newbry, Becker, Baumgartner, Hewitt, Hill, Ericksen, Carrell, Schoesler, Baxter, King and Parlette

FORTY SIXTH DAY, FEBRUARY 24, 2011

2011 REGULAR SESSION

Amending the state Constitution to include an expenditure limit.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1014 by Representatives Goodman, Springer, Sullivan, Eddy and Maxwell

AN ACT Relating to the authority of a watershed management partnership; and amending RCW 39.34.215.

Referred to Committee on Environment, Water & Energy.

ESHB 1026 by House Committee on Judiciary (originally sponsored by Representatives Rolfes, Orcutt, Carlyle, Blake, Angel and McCune)

AN ACT Relating to adverse possession; adding new sections to chapter 7.28 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1031 by Representatives Armstrong, Orwall, Johnson, Crouse, Appleton, Condotta, Eddy, Clibborn, Haler, Ormsby, Nealey, Klippert, Miloscia, Fagan, Alexander, Taylor, Bailey, Angel, Finn, Warnick, Rodne, Orcutt, Walsh, Pearson, Green, McCoy, McCune, Schmick, Smith, Goodman, Asay, Ross, Blake, Short, Kagi, Hope, Takko, Kristiansen, Reykdal, Frockt, Ladenburg, Rolfes, Shea, Hunt, Hurst and Moeller

AN ACT Relating to ballot envelopes; and amending RCW 29A.40.091.

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

SHB 1104 by House Committee on Judiciary (originally sponsored by Representatives Moeller, Walsh, Billig, Kenney, Maxwell and Dammeier)

AN ACT Relating to protection of vulnerable adults; amending RCW 74.34.020 and 74.34.067; adding a new section to chapter 74.34 RCW; and repealing RCW 74.34.021.

Referred to Committee on Health & Long-Term Care.

SHB 1127 by House Committee on Labor & Workforce Development (originally sponsored by Representatives Moeller and Sells)

AN ACT Relating to certified exclusive bargaining representatives; and amending RCW 41.56.060 and 41.56.140.

Referred to Committee on Labor, Commerce & Consumer Protection.

HB 1286 by Representatives Orcutt, Hasegawa, Kelley, Santos and Reykdal

AN ACT Relating to the tax preference review process; and amending RCW 43.136.045 and 43.136.055.

Referred to Committee on Ways & Means.

HB 1521 by Representatives Maxwell, Haigh, Sullivan, Pettigrew, Santos, Kenney, Lias, Frockt, Jacks, Clibborn, Probst, Sells, Lytton, Goodman, Orwall, Van De Wege, Green, Hunt, McCoy, Ladenburg, Billig, Seaquist, Fitzgibbon, Carlyle and Jinkins

AN ACT Relating to recognizing Washington innovation schools; adding a new section to chapter 28A.300 RCW; and creating a new section.

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.

MOTION

At 10:13 a.m., on motion of Senator Eide, the Senate was declared to be at ease for the purpose of caucuses.

The Senate was called to order at 11:15 a.m. by President Pro Tempore.

MOTION

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

SECOND READING

SENATE BILL NO. 5801, by Senators Kohl-Welles, Holmquist Newbry, Conway and Kline

Establishing medical provider networks and expanding centers for occupational health and education in the industrial insurance system.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5801 was substituted for Senate Bill No. 5801 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5801 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Holmquist Newbry, Conway and Honeyford spoke in favor of passage of the bill.

MOTION

On motion of Senator White, Senator Sheldon was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5801.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5801 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Sheldon

SUBSTITUTE SENATE BILL NO. 5801, 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. 5030, by Senators Hewitt, Sheldon, Schoesler and Rockefeller

Authorizing civil judgments for assault.

The measure was read the second time.

MOTION

On motion of Senator Hewitt, the rules were suspended, Senate Bill No. 5030 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hewitt, Hargrove and Kline spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5030.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5030 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

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

Absent: Senator Keiser

Excused: Senator Sheldon

SENATE BILL NO. 5030, 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. 5168, by Senators Prentice, Kline, Regala, Chase and Kohl-Welles

Reducing maximum sentences for gross misdemeanors by one day.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5168 was substituted for Senate Bill No. 5168 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5168 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Pflug spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5168.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5168 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

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

Voting nay: Senators Benton, Ericksen and Holmquist Newbry

Excused: Senator Sheldon

SUBSTITUTE SENATE BILL NO. 5168, 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. 5326, by Senators Kline, Zarelli, Kohl-Welles, Nelson, Rockefeller and White

Concerning negligent driving resulting in substantial bodily harm, great bodily harm, or death of a vulnerable user of a public way.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5326 was substituted for Senate Bill No. 5326 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5326 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Pflug and Brown spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5326.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5326 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain, Fraser, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow,

FORTY SIXTH DAY, FEBRUARY 24, 2011

2011 REGULAR SESSION

McAuliffe, Morton, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Swecker, Tom, White and Zarelli

Voting nay: Senators Baxter, Benton, Hargrove, Honeyford and Stevens

Excused: Senator Sheldon

SUBSTITUTE SENATE BILL NO. 5326, 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. 5500, by Senators Baumgartner, Chase, Kastama, Zarelli, Schoesler, Shin, Holmquist Newbry, Delvin, Parlette, Kilmer and Roach

Concerning the rule-making process for state economic policy.

The measure was read the second time.

MOTION

On motion of Senator Baumgartner, the rules were suspended, Senate Bill No. 5500 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner, Holmquist Newbry, Delvin, Chase and Hewitt spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5500.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5500 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

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

Absent: Senator Benton

Excused: Senator Sheldon

SENATE BILL NO. 5500, 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.

PERSONAL PRIVILEGE

Senator Hobbs: "I'm sorry Madam President, I'm just stunned by Senator Baumgartner's beauty, I must admit, while you were standing there giving your speech, I couldn't help thinking, you must spend hours on that Stair Master. It's ok. I'm a Democrat. It's ok. The only thing that would make you perfect is that if you had Litzow's hair. Anyway, I'm proud to serve with you and I'm glad you're bringing sexy back to the Senate and I hope you can give me some of your tips. Thanks."

PERSONAL PRIVILEGE

Senator Kastama: "Thank you. You know Senator Baumgartner is the ranking member on my committee and when I learned that he, in fact, would have that status I asked my staff for all the information on him and I read his biography. All I kept thinking was, after reading the biography, who is this guy? I mean he's done about everything. So, today I want definitively say who he really is and I've been able to contain it in this paper bag here, ok. Here are the contents of really who this guy is but some background first. A little bit about him. He is a extremely mild mannered individual. He grew up in Eastern Washington, farm country. He went to Washington State University and he majored in Economics and minored in Mathematics and French. He went to Harvard where he received a degree in Public Policy. He served his country. He worked for the State Department in Afghanistan and Iraq, regarding economic development by the way, and he traveled around the world to approximately seventy different countries. It was in Afghanistan that he actually met his wife and it was wonderful. I met her the other day. I think you all know that she is expecting their first child. She happened to be a reporter for a British publication. It's all very important information. He went on to become a consultant for Saudi Arabia. In fact he missed a day in our committee because he was giving some counter-insurgency lecture down in Texas and I even saw a picture of him with General Petraeus. So, you have to ask yourself. How does this guy do all of this? Well. I think I've solved it, I think I really know who this guy is. Consider the evidence. First of all, he grew up in Eastern Washington around farms, ok? Alright? Second of all, he fell in love with someone in the press. Is this helping out at all. Third he's smart. Fourth, he defends his country and he flies around the world. Ok? and he's a mild mannered person. Now, finally he meets with world leaders. So, you guys know who he is? If not I went online and I found a metrological study of when he was born and at the time he was born there was excessive metrological activity in Pullman, Eastern Washington, where he was born. So, I think it's pretty obvious. The guy's Superman. I mean if you look right here at the face of Superman, I mean it's almost a spitting image. There's also a degree of symbolism. Think about that. Superman, Senate. I think it was meant to be. Anyway, I want to thank you for being here, I feel tremendously humbled in my committee to have your presence there. Thanks for joining the Senate."

PERSONAL PRIVILEGE

Senator Keiser: "Just a question of whether or not these marble halls are also containing Kryptonite."

REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "I believe we'll know soon enough."

PERSONAL PRIVILEGE

Senator Delvin: "Well, thank you Madam President. I have a different take on his career. I've had many friends who work for the State Department in foreign countries so really there's another federal agency, you know I think that's who he's been working for. So, whatever gift he gives you have it checked for surveillance, bugs, cameras, whatever. You're going to be in your offices, listening devices. I think that's his true, I came up with a name for him now, I call him 'Spook' because I think that's his real, he won't tell you that but you listen to him, I mean he wanted to give a briefing last night, Madam President, on Middle East

policy. No one apparently was going to attend so he canceled it but really, so, welcome to the Washington State Senate. Glad to have you here. Nice young fresh voice and I'll have, every time you stand up in caucus, I'll have Alvin and the Chipmunks singing, 'Too Sexy for your Love.' Thank you.

PERSONAL PRIVILEGE

Senator Baumgartner: "Well, I just want to express my heartfelt gratitude and appreciation for being in this august body with the other members. I just think it's a true privilege and I really have a sense of appreciation for the hard work that you do for our state. I've had the opportunity to be face, be in situations that faced tough challenges in several different occurrences around the world and I have no doubt the challenge we are going to face here, the breadth of that challenge, the depth of that challenge is going to be equal of anything I've seen before. I also know that when I've seen America at its best it's when America works together. I truly believe that so in that spirit of working together I have a couple of tokens of my appreciation for you. The first is a bottle of wine from Spokane zone, Latah Creek Winery and you'll note that this will be delivered to your office. You'll note that the bottle of wine is called Spokane Blush and you will witness me doing the Spokane blush on many occasions not just today. On the bottle of wine there's a quote by the great G. K. Chesterton which says 'we're all in the same boat in the stormy sea and we owe each a terrible loyalty' and it follows with 'with the appreciation with your service to our state, sincerely, Senator Michael Baumgartner, 6th District Spokane. So that's the sense of carrot of appreciation, but like federal stimulus money, the token of appreciation comes with strings attached, so, I'm also giving you to be delivered a lump of coal. The reason for that many of you may know my beautiful wife Eleanor is pregnant and we are experiencing our first baby in June and I'd ask that you'd not drink the wine until the end of session and if we don't get out of here in time for me to see my baby being born I'm taking the wine back and you can keep the coal. So, with that said, thank you very much it really is an honor to be here."

REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "The President was not aware that there was a shortage of sexy men."

SECOND READING

SENATE BILL NO. 5115, by Senators Harper, Pflug, Kline, Roach, Carrell and Kilmer

Concerning private transfer fee obligations.

MOTIONS

On motion of Senator Harper, Substitute Senate Bill No. 5115 was substituted for Senate Bill No. 5115 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Harper, the rules were suspended, Substitute Senate Bill No. 5115 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Harper, Schoesler, Sheldon and Pflug spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senator Benton was excused.

MOTION

On motion of Senator White, Senator Hargrove was excused.

PERSONAL PRIVILEGE

Senator Tom: "Senator Kline keeps asking me if the good gentleman from the Thirty-Eighth District is going to be handing out these little baggies!"

PERSONAL PRIVILEGE

Senator Kline: "Madam President, 'Why is everybody always looking at me!'"

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5115.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5115 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Benton

SUBSTITUTE SENATE BILL NO. 5115, 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.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Lacey Harper, wife of Senator Harper who was seated in the gallery.

PERSONAL PRIVILEGE

Senator Harper: "I just wanted to thank everyone as my previous colleagues have. It is a truly honor and privilege to be here. I was here for the first time on my eighth birthday and I'm thrilled so many of you stuck around to serve with me. Like several of my colleagues, I'm going to highlight a couple of small businesses in the Thirty-Eighth District as part of that token that I will be offering all of you. It will be delivered to your offices. We have two great breweries in the Thirty-Eighth District. Lazy Boy and the Scuttlebutt Brewing. Lazy Boy is a fairly new business run by a husband and wife, the Loring. No employees at this time but they've really grown their distribution throughout the state. Scuttlebutt, on the other hand, employs twenty-one in my district and it's amazing to see it continue that that business supports, they keep about one-hundred forty acres of farm land in production through all the grains and products that they acquire. With their spent grains they feed over one-hundred twenty cattle in the state and so each of you will receive beers from these two great businesses to your offices and I just thank you again for having me today and thanks to my wife for being here to watch this."

FORTY SIXTH DAY, FEBRUARY 24, 2011
 PERSONAL PRIVILEGE

2011 REGULAR SESSION

Senator Roach: "To the previous speaker over there since this is my twenty-first year, I might be the one that held back for you. But I will say I'm also the one on this side of the aisle that voted to seat you earlier this year so try not to point out the flaws over here, ok?"

MOTION

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

MOTION

Senator Kline moved adoption of the following resolution:

SENATE RESOLUTION
 8627

By Senator Kline

WHEREAS, Immigrants from China first came to America in the 1860s with a true American spirit of hope for a better life and access to opportunities for their children; and

WHEREAS, Chinese-Americans played a vital role in the history and development of Washington state and our country; and

WHEREAS, Chinese-Americans helped build Washington railroads, mining, and fishing industries, transportation networks, retail commerce, technology centers, educational and artistic institutions, and the government itself; and

WHEREAS, The number of people of Chinese descent in Washington grew from 234 in 1870 to more than 3,000 a decade later, and today there are more than 60,000 Chinese-Americans statewide; and

WHEREAS, The state and territorial legislatures across the country, including Washington, enacted discriminatory laws targeting Chinese immigrants in order to discourage further immigration from China and sought to severely limit the success of the Chinese laborers already here; and

WHEREAS, In 1853, the Washington Territorial Legislature passed a law that denied anyone of Chinese descent the right to vote and, in 1864, the Territorial Legislature passed a "police tax" on all Chinese immigrants over the age of eighteen; and

WHEREAS, In 1882, the United States Congress passed the Chinese Exclusion Act, which banned Chinese emigrants from entering America and called for the deportation of any who arrived after 1880; and

WHEREAS, Chinese immigrants were denied the opportunity to own land in Washington when the Washington Territorial Legislature passed the Alien Land Law in 1886, barring ownership of land by anyone "incapable of becoming citizens"; and

WHEREAS, Despite widespread discrimination, then Sheriff William Billings and a large force of citizens stood with courage to uphold order and protect Chinese citizens from a mob of nearly 100 men in Olympia in 1886; and

WHEREAS, In 1943, President Franklin D. Roosevelt signed the Magnuson Act, sponsored by Washington Senator Warren Magnuson, to repeal the Chinese exclusion laws; and

WHEREAS, In the 1950s and 1960s, more Chinese entered fields traditionally closed to them, such as medicine, engineering, corporate business, and even politics; and

WHEREAS, Chinese-American Wing Luke (1925-1965) was elected to the Seattle City Council in 1962, becoming the first Chinese-American on the U.S. mainland to hold such a post; and

WHEREAS, In 1974, Chinese American Ruby Chow (1920-2008) became the first Asian-American elected to the King County Council, which was an extension of her role as an influential female leader in Seattle's Chinese community; and

WHEREAS, Today, Washingtonians of Chinese descent continue to occupy leading roles in politics, business, and academia, including Gary Locke, the first Chinese-American governor in the United States and currently the U.S. Secretary of Commerce;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor Chinese-Americans for their vast and irreplaceable contributions to Washington state, despite enduring decades of systematic, pervasive, and sustained discrimination.

Senator Kline spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8627.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed Ron Chew, Chinese Expulsion Remembrance Project Lead Advisor, who was seated in the gallery.

MOTION

At 12:22 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, February 25, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

1014	Introduction & 1 st Reading	3	5500	Second Reading	5
	Messages	1		Third Reading Final Passage	5
1026-S	Introduction & 1 st Reading	3	5801	Second Reading	3
	Messages	2	5801-S	Second Reading	3
1031	Introduction & 1 st Reading	3		Third Reading Final Passage	4
	Messages	1	5855	Introduction & 1 st Reading	2
1104-S	Introduction & 1 st Reading	3	5856	Introduction & 1 st Reading	2
	Messages	1	5857	Introduction & 1 st Reading	2
1127-S	Introduction & 1 st Reading	3	8003	Committee Report	1
	Messages	1	8216	Introduction & 1 st Reading	2
1286	Introduction & 1 st Reading	3	8627	Adopted	7
	Messages	1		Introduced	7
1521	Introduction & 1 st Reading	3	9149 Elsie Hulsizer	Introduced	1
	Messages	2		Introduced	1
5000	Committee Report	1	9150 Val Ogden	Introduced	1
5030	Second Reading	4		MESSAGE FROM GOVERNOR	
	Third Reading Final Passage	4		Gubernatorial Appointments	1
5115	Second Reading	6		PRESIDENT OF THE SENATE (SENATOR PRENTICE	
5115-S	Second Reading	6		PRESIDING)	
	Third Reading Final Passage	6		Intro. Special Guest, Lacey Harper	6
5168	Second Reading	4		Intro. Special Guest, Ron Chew, Chinese Expulsion	
5168-S	Second Reading	4		Remembrance Project Lead Advisor	7
	Third Reading Final Passage	4		Remarks by the President Pro Tempore	5, 6
5326	Second Reading	4		WASHINGTON STATE SENATE	
5326-S	Second Reading	4		Personal Privilege, Senator Baumgartner	6
	Third Reading Final Passage	5		Personal Privilege, Senator Delvin	5
5344	Committee Report	1		Personal Privilege, Senator Harper	6
				Personal Privilege, Senator Hobbs	5
				Personal Privilege, Senator Kastama	5
				Personal Privilege, Senator Keiser	5
				Personal Privilege, Senator Kline	6
				Personal Privilege, Senator Roach	7
				Personal Privilege, Senator Tom	6