

**EIGHTY FIRST DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Thursday, March 31, 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 Benton, Brown, Kastama, Pflug, Regala, Swecker and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Gabrielle Schmidt and Matthew Straume, presented the Colors. The Most Reverend J. Peter Sartain Archbishop of the Archdiocese of Seattle 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

March 29, 2011

SB 5092 Prime Sponsor, Senator Keiser: Concerning oversight of licensed or certified long-term care settings for vulnerable adults. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5092 be substituted therefor, and the second substitute bill do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Brown; Conway; Fraser; Kastama; Keiser; Kohl-Welles; Pflug; Pridemore; Regala; Rockefeller and Tom.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist Newbry.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Parlette; Baumgartner; Baxter; Hatfield; Honeyford and Schoesler.

Passed to Committee on Rules for second reading.

March 29, 2011

SB 5882 Prime Sponsor, Senator Schoesler: Determining average salary for the pension purposes of local government employees as certified by their employer. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Brown; Conway; Fraser; Hatfield; Holmquist Newbry; Keiser; Kohl-Welles; Pridemore; Regala; Rockefeller and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Parlette; Baxter; Honeyford; Pflug and Tom.

Passed to Committee on Rules for second reading.

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2SHB 1163 Prime Sponsor, Committee on Education Appropriations & Oversight: Creating a work group on preventing bullying, intimidation, and harassment and increasing student knowledge on mental health and youth suicide. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Brown; Conway; Fraser; Hatfield; Hewitt; Holmquist Newbry; Kastama; Keiser; Kohl-Welles; Pflug; Pridemore; Regala; Rockefeller and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Baxter; Honeyford and Schoesler.

Passed to Committee on Rules for second reading.

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HB 1239 Prime Sponsor, Representative Orcutt: Allowing the department of revenue to issue a notice of lien to secure payment of delinquent excise taxes in lieu of a warrant. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Baxter; Brown; Conway; Fraser; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Pflug; Pridemore; Regala; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 29, 2011

HB 1290 Prime Sponsor, Representative Green: Concerning mandatory overtime for certain health care employees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Baxter; Brown; Conway; Fraser; Hatfield; Hewitt; Holmquist Newbry; Keiser; Kohl-Welles; Pflug; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Schoesler.

Passed to Committee on Rules for second reading.

March 29, 2011

SHB 1650 Prime Sponsor, Committee on Education Appropriations & Oversight: Changing state need grant eligibility provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Baumgartner; Brown; Conway; Fraser;

Hatfield; Holmquist Newbry; Kastama; Keiser; Kohl-Welles; Pridemore; Regala; Rockefeller and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Baxter; Honeyford; Pflug and Schoesler.

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

Passed to Committee on Rules for second reading.

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ESHB 1826 Prime Sponsor, Committee on Ways & Means: Providing taxpayers additional appeal protections for value changes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Baxter; Brown; Conway; Fraser; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Pflug; Pridemore; Regala; Rockefeller; Schoesler and Tom.

Passed to Committee on Rules for second reading.

March 29, 2011

ESHB 1902 Prime Sponsor, Committee on Ways & Means: Concerning a business and occupation tax deduction for amounts received with respect to child welfare services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli; Parlette; Baumgartner; Baxter; Brown; Fraser; Hatfield; Hewitt; Holmquist Newbry; Kastama; Pflug; Pridemore; Regala and Tom.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway; Honeyford; Keiser; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

March 29, 2011

2SHB 1909 Prime Sponsor, Committee on Ways & Means: Promoting innovation at community and technology colleges. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Brown; Conway; Fraser; Hatfield; Kastama; Keiser; Kohl-Welles; Pridemore; Regala; Rockefeller and Tom.

MINORITY recommendation: Do not pass. Signed by Senators Zarelli; Baxter; Holmquist Newbry and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Parlette; Baumgartner; Honeyford and Pflug.

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

March 22, 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.

STEVEN DRURY, reappointed March 22, 2011, for the term ending October 1, 2014, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Economic Development, Trade & Innovation.

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 5912 by Senators Keiser, Pflug, Kohl-Welles and Kline

AN ACT Relating to the expansion of family planning services to two hundred fifty percent of the federal poverty level; amending RCW 74.09.659; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

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

MOTION

On motion of Senator Ericksen, Senators Benton, Fain, Pflug and Swecker were excused.

MOTION

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On motion of Senator White, Senators Brown, Kastama and Regala were excused.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Eide moved that Gubernatorial Appointment No. 9132, Robert Roegner, as a member of the Board of Trustees, Highline Community College District No. 9, be confirmed.

Senator Eide spoke in favor of the motion.

MOTION

On motion of Senator Delvin, Senator Zarelli was excused.

APPOINTMENT OF ROBERT ROEGNER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9132, Robert Roegner as a member of the Board of Trustees, Highline Community College District No. 9.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9132, Robert Roegner as a member of the Board of Trustees, Highline Community College District No. 9 and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

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

Excused: Senators Benton, Brown, Kastama, Pflug, Regala, Swecker and Zarelli

Gubernatorial Appointment No. 9132, Robert Roegner, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Highline Community College District No. 9.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9054, Allie Joiner, as a member of the Board of Trustees, State School for the Deaf, be confirmed.

Senator Pridemore spoke in favor of the motion.

APPOINTMENT OF ALLIE JOINER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9054, Allie Joiner as a member of the Board of Trustees, State School for the Deaf.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9054, Allie Joiner as a member of the Board of Trustees, State School for the Deaf and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

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

Excused: Senators Benton, Brown, Kastama, Pflug, Regala, Swecker and Zarelli

Gubernatorial Appointment No. 9054, Allie Joiner, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, State School for the Deaf.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9127, Cindy Zehnder, as Chair of the Work Force Training and Education Coordinating Board, be confirmed.

Senator Fraser spoke in favor of the motion.

APPOINTMENT OF CINDY ZEHNDER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9127, Cindy Zehnder as Chair of the Work Force Training and Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9127, Cindy Zehnder as Chair of the Work Force Training and Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

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

Excused: Senators Benton, Brown, Kastama, Pflug, Regala and Swecker

Gubernatorial Appointment No. 9127, Cindy Zehnder, having received the constitutional majority was declared confirmed as Chair of the Work Force Training and Education Coordinating Board.

SECOND READING

HOUSE BILL NO. 1618, by Representatives Sells, Crouse, Dunshee, McCoy, Liias, Kristiansen and Pearson

Addressing public utility districts and deferred compensation and supplemental savings plans.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, House Bill No. 1618 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1618.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1618 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Senators Brown, Kastama, Pflug, Regala and Swecker

HOUSE BILL NO. 1618, 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. 5289, by Senators Murray and Zarelli

Concerning a business and occupation tax deduction for payments made to certain property management companies for personnel performing on-site functions.

The measure was read the second time.

#### MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 5289 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5289.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5289 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Senators Brown, Kastama, Pflug, Regala and Swecker

SENATE BILL NO. 5289, 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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1183, by House Committee on Health Care & Wellness (originally sponsored by Representatives Johnson, Cody, Ross, Kenney,

Warnick, Maxwell, Schmick, Taylor, Hope, Haler, Goodman, Hinkle, Dickerson, McCune, Rodne, Armstrong, Ryu, Seaquist, Pedersen, Lias, Eddy, Appleton, Klippert, Kretz, Hasegawa, Fagan, Asay, Chandler, Angel, Ahern and Stanford)

Regarding institutions of higher education prohibiting hospitals or physicians from entering into agreements to provide clinical rotations or residencies to certain medical students. Revised for 1st Substitute: Regarding institutions of higher education prohibiting hospitals or physicians from entering into agreements to provide clinical rotations or residencies to certain medical students. (REVISED FOR ENGROSSED: Regarding certain osteopathic or allopathic medical schools prohibiting hospitals or physicians from entering into agreements to provide clinical rotations to qualified osteopathic or allopathic medical students.)

The measure was read the second time.

#### MOTION

Senator King moved that the following amendment by Senators King and Keiser be adopted:

On page 2, after line 4, insert the following:

**"NEW SECTION. Sec. 3.** A new section is added to chapter 28B.115 RCW to read as follows:

A foreign osteopathic or allopathic medical school may not prohibit a hospital or physician from entering into an agreement to provide student clinical rotations to qualified osteopathic or allopathic medical students."

Senator King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators King and Keiser on page 2, after line 4 to Engrossed Substitute House Bill No. 1183.

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

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "adding" strike "a new section" and insert "new sections"

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 1183 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1183 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1183 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Delvin, Eide, Ericksen, Fain,

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Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Honeyford, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, McAuliffe, Morton, Murray, Nelson, Parlette, Prentice, Pridemore, Ranker, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom, White and Zarelli

objection, the title of the bill was ordered to stand as the title of the act.

Voting nay: Senator Holmquist Newbry

Excused: Senators Kastama, Pflug, Regala and Swecker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1183 as amended by the Senate, 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

ENGROSSED HOUSE BILL NO. 1028, by Representatives Schmick, Takko, Fagan, Springer, Kretz, Shea, Blake and McCune

Using state correctional facility populations to determine population thresholds for certain local government purposes.

STATEMENT FOR THE JOURNAL

The measure was read the second time.

On March 31st, we voted on Engrossed Substitute House Bill No. 1183 regarding certain osteopathic or allopathic medical schools prohibiting hospitals or physicians from entering into agreements to provide clinical rotations to qualified osteopathic or allopathic medical students.

MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed House Bill No. 1028 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Having mistakenly voted the wrong way on the bill, a colleague alerted me to the fact. Since I was in the middle of negotiations, I was not able to return to the floor in time to change my vote. I am writing to enter into the record that I would have been a 'Yes.'

Senators Pridemore and Schoesler spoke in favor of passage of the bill.

SENATOR HOLMQUIST NEWBRY, 13<sup>th</sup> LEGISLATIVE DISTRICT

NOTICE OF RECONSIDERATION

Senator Roach gave notice of her intent to move to reconsider the vote by which Engrossed House Bill No. 1177 passed the Senate.

SECOND READING

ENGROSSED HOUSE BILL NO. 1177, by Representatives Hunt and McCoy

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1028.

Regarding field investigations on privately owned lands.

ROLL CALL

The measure was read the second time.

The Secretary called the roll on the final passage of Engrossed House Bill No. 1028 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

MOTION

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, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom, White and Zarelli

On motion of Senator Pridemore, the rules were suspended, Engrossed House Bill No. 1177 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

Excused: Senators Regala and Swecker

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1177.

ROLL CALL

ENGROSSED HOUSE BILL NO. 1028, 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.

The Secretary called the roll on the final passage of Engrossed House Bill No. 1177 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 20; Absent, 0; Excused, 3.

MOTION

Voting yea: Senators Brown, Chase, Conway, Eide, Fraser, Hargrove, Harper, Hatfield, Haugen, Hobbs, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Shin, Tom and White

At 10:54 a.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, April 1, 2011.

Voting nay: Senators Baumgartner, Baxter, Becker, Benton, Carrell, Delvin, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Morton, Parlette, Schoesler, Sheldon, Stevens and Zarelli

BRAD OWEN, President of the Senate

Excused: Senators Kastama, Regala and Swecker

ENGROSSED HOUSE BILL NO. 1177, having received the constitutional majority, was declared passed. There being no

THOMAS HOEMANN, Secretary of the Senate



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