

FORTY FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 22, 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, Pflug and Sheldon.

The Sergeant at Arms Color Guard consisting of Pages Jared Fritz and Mariah May, presented the Colors. Senator Hargrove 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

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

INTRODUCTION AND FIRST READING

SB 5845 by Senators Morton, King and Roach

AN ACT Relating to off-road vehicles; amending RCW 46.09.310, 46.09.360, 46.09.420, 46.09.450, 46.09.460, 46.09.510, 46.09.530, and 46.30.020; reenacting and amending RCW 46.09.520; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5846 by Senators Brown, McAuliffe, Tom, Fraser, Hobbs, Conway, Harper, Nelson, Rockefeller, Keiser, Kilmer, Litzow, Hatfield, Prentice, Shin, Kohl-Welles and White

AN ACT Relating to offering health benefit subsidies for certain retired public employees; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Ways & Means.

SB 5847 by Senators Eide, Haugen and Shin

AN ACT Relating to railroad safety; and creating new sections.

Referred to Committee on Transportation.

SB 5848 by Senator Swecker

AN ACT Relating to education vouchers; adding a new section to chapter 28A.150 RCW; and adding a new section to chapter 43.79 RCW.

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

SB 5849 by Senators Prentice and Parlette

AN ACT Relating to estates and trusts; amending RCW 11.108.090 and 11.86.031; creating new sections; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5850 by Senator Shin

AN ACT Relating to clarifying regulatory authority over taxicab transportation services for fares; and amending RCW 81.72.210.

Referred to Committee on Labor, Commerce & Consumer Protection.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5849 which was referred to the Committee on Ways & Means.

MOTION

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Regala moved that Gubernatorial Appointment No. 9055, Jennifer Joly, as a member of the Public Disclosure Commission, be confirmed.

Senator Regala spoke in favor of the motion.

MOTION

On motion of Senator Delvin, Senators Benton and Pflug were excused.

MOTION

On motion of Senator White, Senators Kline, McAuliffe and Sheldon were excused.

APPOINTMENT OF JENNIFER JOLY

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9055, Jennifer Joly as a member of the Public Disclosure Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9055, Jennifer Joly as a member of the Public Disclosure Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senators Benton, Pflug and Sheldon

Gubernatorial Appointment No. 9055, Jennifer Joly, having received the constitutional majority was declared confirmed as a member of the Public Disclosure Commission.

SECOND READING

SENATE JOINT RESOLUTION NO. 8205, by Senator Carrell

Repealing a conflicting residency requirement for voting in a presidential election.

The measure was read the second time.

MOTION

On motion of Senator Carrell, the rules were suspended, Senate Joint Resolution No. 8205 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Carrell and Pridemore spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Senate Joint Resolution No. 8205.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8205 and the resolution passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senators Benton, Pflug and Sheldon

SENATE JOINT RESOLUTION NO. 8205, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5033, by Senators Pridemore, Swecker, Chase and Nelson

Concerning the sale of water-sewer district real property.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Senate Bill No. 5033 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Swecker 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. 5033.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5033 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senators Benton, Pflug and Sheldon

SENATE BILL NO. 5033, 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. 5036, by Senate Committee on Natural Resources & Marine Waters (originally sponsored by Senators Regala, Swecker and Fraser)

Eliminating expiration dates for the derelict vessel and invasive species removal fee. Revised for 1st Substitute: Regarding the derelict vessel and invasive species removal fee.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5036 was substituted for Senate Bill No. 5036 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5036 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5036.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5036 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 0; Excused, 3.

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

Voting nay: Senators Baxter, Becker, Carrell, Delvin, Ericksen, Holmquist Newbry, Honeyford, Roach, Stevens and Zarelli

Excused: Senators Benton, Pflug and Sheldon

SUBSTITUTE SENATE BILL NO. 5036, 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.

SENATE BILL NO. 5029, by Senators Kohl-Welles, White, King, Honeyford, Holmquist Newbry, Kline, Conway, Tom, Chase, Hewitt, Harper, Nelson and McAuliffe

Concerning beer and wine tasting at farmers markets.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5029 was substituted for Senate Bill No. 5029 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. 5029 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 White, Senator Prentice was excused.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5029.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5029 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 0; Excused, 4.

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

Voting nay: Senators Hargrove, Haugen, Kastama and Parlette

Excused: Senators Benton, Pflug, Prentice and Sheldon

SUBSTITUTE SENATE BILL NO. 5029, 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. 5005, by Senators Keiser, Honeyford, Pflug, Becker, Regala, Carrell, Hobbs, Nelson, Rockefeller, Shin and Chase

Concerning exemption from immunization.

The measure was read the second time.

MOTION

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

On page 1, line 13, after "immunization", insert "to the child"
Senator Hargrove 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 Hargrove and Keiser on page 1, line 13 to Senate Bill No. 5005.

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

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Senate Bill No. 5005 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Becker, Honeyford, Carrell and Parlette spoke in favor of passage of the bill.

Senators Ranker and Roach spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5005.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5005 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 0; Excused, 3.

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

Voting nay: Senators Baumgartner, Baxter, Ericksen, Hewitt, Holmquist Newbry, Morton, Ranker, Roach, Stevens, Swecker and Zarelli

Excused: Senators Benton, Pflug and Sheldon

ENGROSSED SENATE BILL NO. 5005, 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

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

MOTION

Senator Brown moved adoption of the following resolution:

SENATE RESOLUTION
8625

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

WHEREAS, Senator Margarita Prentice is a remarkable, wonderful, vibrant 80 year old today, February 22, 2011; and

WHEREAS, Margarita López was born in San Bernardino, California, the youngest of five children whose father was born in Mexico and her mother in El Paso, Texas; and

WHEREAS, In 1942, her family moved to the Los Angeles area to work at war time defense jobs providing Margarita the opportunity to attend the famous Hollywood High, an advanced public high school with many movie industry classmates and spent her after school hours at Schwabs Drug Store sitting at the soda counter along with Lana Turner hoping to be "discovered"; and

WHEREAS, She received her registered nurse degree in 1954 and moved to Seattle to begin more than 45 years of health care service, working in every capacity from maternity to long-term care, and serving as director of nursing at Renton Hospital, VA Hospital, Mt. St. Vincent Care Center, and most notoriously a graveyard ER nurse at Valley Medical Center, where the new state of the art trauma center bears her name and is commonly referred to by emergency workers as 'Margaritaville'; and

WHEREAS, In 1957, she met Bill Prentice, who had volunteered to transfer to Washington State from the Wichita, Kansas Boeing plant so a father of three wouldn't have to uproot his young family; and

WHEREAS, Bill and "Marge" were married in 1958, settling on her current home site in Skyway where they raised four children: Carl, Kathy, Christy, and Bill III; and

WHEREAS, The young nurse and mother started volunteering on Democratic campaigns beginning with Governors Al Rosellini and Mike Lowry; and

WHEREAS, Because of inadequate accommodations in public schools for kids with special needs, including her autistic child, she determined to be part of the solution by joining the local PTA; and

WHEREAS, In April 1988, Margarita was appointed to the 11th District House Position 2 and went on to win the next two elections becoming the first Latina elected to the Legislature in Washington state; and

WHEREAS, In 1992, Senator Prentice won her first bid for the Washington State Senate and has since served as chair of numerous major committees including Financial Institutions, Housing, Insurance, Labor, Commerce, and was the longest serving chair of the Ways and Means Committee; as well as serving as an ex-officio member of the Gambling Commission since 1994; and

WHEREAS, Senator Prentice has sponsored landmark legislation for workers' rights, child labor, minimum wage, identity theft, traffic congestion, credit unions, midwives, massage therapy, universal healthcare, veterans benefits, farm worker housing, domestic partners, tribal and mini casinos, social card rooms, charitable organizations, transportation permit streamlining, and of exceptional importance to her personally, a partnership with the University of Washington Autism Center to produce a DVD and online training and support guide for families and teachers that is inexpensive, easily distributed, and accessed even for the most rural areas; and

WHEREAS, Senator Prentice is recognized for her effective leadership, warm heart, and strong backbone, vigorous bipartisanship, exceptional work ethic, and her consistent ability to bring people together, using her unique "nurse voice" to take charge and calm difficult situations;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor Margarita Prentice for her outstanding service and numerous lasting contributions she has made to the Legislature and the people of this state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Margarita Prentice and her family.

Senators Brown, Fraser, Parlette, King, Swecker, Pridemore, Kline, Kohl-Welles, Hobbs, Shin, Roach and Litzow spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8625.

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

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Mr. Patrick Woods, Program Manager at the Department of Financial Institutions and former Senate staff, who performed a version of "Mother Marchee" in honor of Senator Prentice. Mr. Wood then led the senate in singing "Happy Birthday."

The President thanked Mr. Woods and welcomed Senator Margarita Prentice, President Pr Tempore, to the President's rostrum.

REMARKS BY SENATOR PRENTICE

Senator Prentice: "I'm sure you never thought you'd see the time when I didn't have a ready response and it's very, very difficult. I do have some introductions to make, this is my granddaughter, Lizzy Burton. Would you stand up Lizzy? Lizzy goes to University of Puget Sound and is from Arizona and am very lucky to have one of my five grandchildren up here close by and thank you so much. My daughter Kathy Prentice and Joe, the two up here and I can't even describe how lucky I am to have a daughter who lives next door to me and so we are like in the old country 'familia.' That is certainly what I've come to consider you. I'm wondering where'd you get all the dirt on me? This really surprised me. The only part that isn't true, I didn't stay at Schwab's Drug Store waiting to be discovered but I did use to go there and I do remember every once in a while I's see a movie and I think he sat next to me when I was having a coke at Schwab's and he needed a hair cut then and different movie stars. Anthony Quinn about knocked me over with his all of his body guards looking very handsome and very tough. So, it was kind of fun to go there but the movies didn't discover me. One of the luckiest things I ever did was the day I met Bill Prentice. Some of you knew him and some of you remembered him and it was a sad day when we lost him and yes, he did call me Marge and it was always 'Marge.' I do want to thank so many of you, I was thinking I'm glad somebody mentioned Alex Deccio who was such a great friend. In fact, my granddaughter was just sort of marveling that we do work in a bipartisan way. I expect we're not that unusual. I believe any state that gets anything done has to do it and I just said 'I focus on the issue and find somebody on the other side who cares about and we're Co-Chairs' and then we try and work it out and it doesn't become a partisan issue. That's not hard if you're here carrying out what, and this I know about each one of you, is that you all had good motives when you came here, and you still have them. And just think how lucky, how .lucky, you and I are that our constituents send us here to do the right thing and then we reach out to others. There are talents that I don't have that I'll reach out to you. You know, you're a numbers cruncher, I'm not. I'm great at policy so let's put our talents together. In fact, I've made that comment in some of our committees. It's amazing how we come together and borrow each other's wisdoms and it's really fun to be on a committee where you work that way. Isn't it? I mean I know that we've had that feeling of accomplishment. So, I don't want to get to grandiose here and I sure, I mean I'll follow my own instruction because I do remember saying 'shut up' and it wasn't only once, it's been more than that. But also, you know, this is what I know. Deep in your heart, I let people know Adam Kline can drive you crazy but he is very special. He was out there, out there registering voters in Mississippi at the risk of his life when the rest of us were here comfortably worried about what was going on. I know so many of these very personal things about you. You did this when the rest of us weren't paying attention. And it is true, I have a son who has autism but he is the light of our lives because he has come so far.

FORTY FOURTH DAY, FEBRUARY 22, 2011

And it's true we're able to help others with what they were able to help us with. So, really, life is all truly a cycle where we have abilities and life goes on and I never dreamed, 'god, am I eighty? And I think yeah and you know how lucky? I am just to be able to stand up here and be talking with you and being able to read. Just think about that. So, I want to thank everyone of you who was part of this, I don't know how you pulled it off Mary Ann with my not catching on and I'm so grateful that you got my family here. So, thank you all very, very much."

REMARKS BY THE PRESIDENT

President Owen: "Feliz Cumpleanos – even though you don't speak Spanish. Great day for birthdays: George

2011 REGULAR SESSION

Washington; Margarita Prentice; and my daughter Shanie. Happy Birthday to you all."

MOTION

At 11:22 a.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, February 23, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FORTY FOURTH DAY, FEBRUARY 22, 2011

2011 REGULAR SESSION

| | | | |
|--------|-----------------------------------|--|---|
| 5005 | | Introduction & 1 st Reading..... | 1 |
| | Second Reading..... | | 3 |
| | Third Reading Final Passage | | 3 |
| 5029 | | Introduction & 1 st Reading..... | 1 |
| | Second Reading..... | | 3 |
| 5029-S | | Introduction & 1 st Reading..... | 1 |
| | Second Reading..... | | 3 |
| | Third Reading Final Passage | | 3 |
| 5033 | | Introduction & 1 st Reading..... | 1 |
| | Second Reading..... | | 2 |
| | Third Reading Final Passage | | 2 |
| 5036 | | Introduction & 1 st Reading..... | 1 |
| | Second Reading..... | | 2 |
| 5036-S | | Introduction & 1 st Reading..... | 1 |
| | Second Reading..... | | 2 |
| | Third Reading Final Passage | | 2 |
| 5845 | | Introduction & 1 st Reading | 1 |
| 5846 | | Introduction & 1 st Reading | 1 |
| 5847 | | Introduction & 1 st Reading | 1 |
| | | 5848 Introduction & 1 st Reading..... | 1 |
| | | 5849 Introduction & 1 st Reading..... | 1 |
| | | Introduction & 1 st Reading..... | 1 |
| | | Other Action | 1 |
| | | 5850 Introduction & 1 st Reading..... | 1 |
| | | 8205 Second Reading | 2 |
| | | Third Reading Final Passage..... | 2 |
| | | 8625 Adopted..... | 4 |
| | | Introduced | 3 |
| | | 9055 Jennifer Joly | |
| | | Confirmed | 1 |
| | | PRESIDENT OF THE SENATE | |
| | | Intro. Special Guest, Patrick Woods | 4 |
| | | Remarks by the President..... | 5 |
| | | WASHINGTON STATE SENATE | |
| | | Remarks by Senator Prentice | 4 |