

FIFTEENTH DAY, JANUARY 25, 2010

2010 REGULAR SESSION

FIFTEENTH DAY**NOON SESSION**

Senate Chamber, Olympia, Monday, January 25, 2010

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

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 21, 2010

SB 6322 Prime Sponsor, Senator McDermott: Modifying election notice provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 21, 2010

SB 6330 Prime Sponsor, Senator Kohl-Welles: Permitting the placement of human trafficking informational posters in rest areas. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

January 21, 2010

SB 6332 Prime Sponsor, Senator Kohl-Welles: Concerning human trafficking. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6332 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

January 22, 2010

SB 6389 Prime Sponsor, Senator Brandland: Revising membership and rules of procedure for the criminal justice training commission and related boards. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell; Hargrove and Kohl-Welles.

Passed to Committee on Rules for second reading.

January 21, 2010

SB 6393 Prime Sponsor, Senator Hewitt: Modifying distributions of funds by the horse racing commission to nonprofit race meets. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6393 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist; Franklin; Honeyford; King and Kline.

Passed to Committee on Rules for second reading.

January 20, 2010

SB 6395 Prime Sponsor, Senator Kline: Addressing lawsuits aimed at chilling the valid exercise of the constitutional rights of speech and petition. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6395 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin; Carrell; Gordon; Hargrove; Kohl-Welles and Roach.

Passed to Committee on Rules for second reading.

January 21, 2010

SB 6424 Prime Sponsor, Senator Regala: Concerning local excise tax authorities for counties and cities. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

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

Passed to Committee on Ways & Means.

January 21, 2010

SB 6430 Prime Sponsor, Senator McDermott: Concerning ballot envelopes. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Rules for second reading.

January 21, 2010

SB 6616 Prime Sponsor, Senator Jacobsen: Concerning the regulation and preservation of urban streets through a local option street maintenance utility and allowing the imposition of a charge. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott; Pridemore and Swecker.

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

Passed to Committee on Transportation.

January 21, 2010

SB 6617 Prime Sponsor, Senator Regala: Concerning the waiver of penalties and interest on the first half of property tax payments. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott; Pridemore and Swecker.

Passed to Committee on Ways & Means.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 22, 2010

SGA 9190 DIANA GALE, 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; Delvin; Fraser; Marr; Morton and Ranker.

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 21, 2010

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.

LAURA JENNINGS, reappointed December 10, 2009, for the term ending September 30, 2015, as Member, Board of Regents, Washington State University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

January 22, 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.

TED STURDEVANT, appointed November 9, 2009, for the term ending at the governor's pleasure, as Director of the Department of Ecology.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Environment, Water & Energy.

MOTION

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

MOTION

There being no objection, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

January 22, 2010

MR. PRESIDENT

The House has passed:

SUBSTITUTE HOUSE BILL 2196

SUBSTITUTE HOUSE BILL 2403

HOUSE BILL 2483

SUBSTITUTE HOUSE JOINT MEMORIAL 4004

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

January 22, 2010

MR. PRESIDENT

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL 2921

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

January 25, 2010

MR. PRESIDENT

The House has passed:

SECOND SUBSTITUTE HOUSE BILL 1180

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

FIFTEENTH DAY, JANUARY 25, 2010

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SB 6732 by Senators Kohl-Welles, Holmquist, Keiser, Honeyford and Shin

AN ACT Relating to hit and run provisions; amending RCW 46.52.020; and reenacting and amending RCW 9.94A.515.

AN ACT Relating to claims of insolvent self-insurers under industrial insurance; and amending RCW 51.16.120 and 51.14.060.

Referred to Committee on Judiciary.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6740 by Senators Hobbs, Oemig, Gordon, McAuliffe and Shin

AN ACT Relating to a comprehensive K-12 education policy; amending 2009 c 548 s 302 (uncodified); and creating a new section.

SB 6733 by Senator King

AN ACT Relating to allocating responsibility for court-related costs of involuntary commitment proceedings; and amending RCW 71.05.100.

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

Referred to Committee on Human Services & Corrections.

SB 6741 by Senator Rockefeller

AN ACT Relating to special meetings notice under the open public meetings act; and amending RCW 42.30.080.

SB 6734 by Senator King

AN ACT Relating to modifying interest rate and penalty provisions in the current use program; amending RCW 84.34.070 and 84.34.080; reenacting and amending RCW 84.34.108; and creating a new section.

Referred to Committee on Government Operations & Elections.

Referred to Committee on Government Operations & Elections.

SB 6742 by Senator Pridemore

AN ACT Relating to calculating average final compensation under the public employees' retirement system; and reenacting and amending RCW 41.40.010.

SB 6735 by Senator Tom

AN ACT Relating to condominium association liens; and amending RCW 64.34.364.

Referred to Committee on Ways & Means.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6743 by Senators McDermott and Kauffman

AN ACT Relating to archaeological investigations on private land; and reenacting and amending RCW 27.53.070.

SB 6736 by Senators Tom and Fraser

AN ACT Relating to modifying state expenditure limitations; amending RCW 43.135.010 and 43.135.035; and adding a new section to chapter 43.135 RCW.

Referred to Committee on Government Operations & Elections.

Referred to Committee on Ways & Means.

SB 6744 by Senator King

AN ACT Relating to prohibiting the liquor control board from increasing the markup of any liquor product; reenacting and amending RCW 66.04.010; adding a new section to chapter 66.08 RCW; and declaring an emergency.

SB 6737 by Senators Marr, Brown and McCaslin

AN ACT Relating to providing an exemption from property tax for aircraft used to provide air ambulance services for nonprofits; amending RCW 82.48.100; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

Referred to Committee on Ways & Means.

SB 6745 by Senator Sheldon

AN ACT Relating to veterinary technician licenses; amending RCW 18.92.128 and 18.92.128; and providing an effective date.

SB 6738 by Senators Kilmer and Jacobsen

AN ACT Relating to the sale of surplus salmon from state hatcheries; amending RCW 77.12.451 and 77.95.070; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6746 by Senators Jacobsen, Kauffman, Kline and Keiser

AN ACT Relating to community and technical college collective bargaining for nontenured faculty; and adding a new section to chapter 28B.50 RCW.

SB 6739 by Senator Hobbs

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6747 by Senators Jacobsen, Fraser, Ranker, Shin and Kline

AN ACT Relating to cost recovery for the natural heritage program; amending RCW 79.71.090; and adding a new section to chapter 79.70 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6748 by Senators Tom and Zarelli

AN ACT Relating to the business and occupation taxation of newspaper-labeled supplements; and amending RCW 82.04.214.

Referred to Committee on Ways & Means.

SB 6749 by Senators Fraser and Honeyford

AN ACT Relating to the transfer of commercial real estate; amending RCW 64.06.005, 64.06.010, 64.06.022, 64.06.050, and 64.06.070; reenacting and amending RCW 64.06.040; and adding a new section to chapter 64.06 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6750 by Senators McAuliffe and Shin

AN ACT Relating to modifying sales and use tax provisions for the local infrastructure financing tool program; amending RCW 82.14.475; and providing an expiration date.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6751 by Senators Franklin, Parlette, Keiser, Delvin, Marr, Kline, King, Kohl-Welles, Schoesler, Honeyford and Shin

AN ACT Relating to establishing the medicaid nursing facility quality assurance trust fund; reenacting and amending RCW 43.84.092; adding new sections to chapter 74.46 RCW; creating a new section; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 6752 by Senators Roach and Parlette

AN ACT Relating to signatures on an initiative or referendum petition; amending RCW 29A.72.170 and 29A.72.140; adding a new section to chapter 29A.72 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

SB 6753 by Senators Roach and Stevens

AN ACT Relating to valuation of residential real property; and amending RCW 84.40.030.

Referred to Committee on Government Operations & Elections.

SB 6754 by Senators McDermott, Fairley, Kohl-Welles and Kline

AN ACT Relating to signature petitions; and amending RCW 29A.72.230 and 29A.72.140.

Referred to Committee on Government Operations & Elections.

SB 6755 by Senator Kohl-Welles

AN ACT Relating to the creation of the coordinated school health public-private partnership; and adding new sections to chapter 28A.210 RCW.

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

SB 6756 by Senators Tom and Kline

AN ACT Relating to requiring insurance benefits with wellness incentives for public employees; amending RCW 41.05.065 and 28A.400.350; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6757 by Senators Fraser, Kastama, Kilmer, Shin and McAuliffe

AN ACT Relating to the designation and support of projects of statewide significance; amending RCW 43.157.005, 43.157.020, 43.157.030, 82.32.600, and 82.32.650; reenacting and amending RCW 43.157.010; adding a new section to chapter 43.157 RCW; adding a new chapter to Title 82 RCW; providing an effective date; providing contingent effective dates; and declaring an emergency.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6758 by Senators Keiser, Prentice and Parlette

AN ACT Relating to a hospital safety net assessment for increased hospital payments to improve health care access for the citizens of Washington; amending 2009 c 564 s 209 (uncodified); adding a new chapter to Title 74 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6759 by Senators Kauffman, Oemig, Prentice and Kline

AN ACT Relating to a plan for a voluntary program of early learning within the overall program of basic education; amending RCW 43.215.090 and 28A.290.010; creating new sections; and declaring an emergency.

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

SB 6760 by Senators Oemig, Gordon, McDermott, McAuliffe, Tom, Kauffman, Fairley, Ranker, Hargrove, Kline, Murray, Eide, Franklin, Hobbs and Shin

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AN ACT Relating to the basic education instructional allocation distribution formula; amending RCW 28A.150.260 and 28A.150.390; amending 2009 c 548 s 804 (uncodified); creating new sections; and providing an effective date.

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

SB 6761 by Senators McAuliffe, Ranker, McDermott, Oemig, Fairley, Hargrove, Kline, Murray, Hobbs and Shin

AN ACT Relating to the recommendations of the quality education council; amending RCW 28A.150.390, 28A.150.315, 43.41.398, 28A.160.192, 28A.290.010, and 28A.150.410; amending 2009 c 548 s 112 (uncodified); amending 2009 c 548 s 302 (uncodified); amending 2009 c 548 s 805 (uncodified); adding a new section to chapter 43.79 RCW; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.290 RCW; adding a new section to chapter 28A.400 RCW; creating a new section; recodifying RCW 43.41.398; providing an effective date; providing an expiration date; and declaring an emergency.

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

SB 6762 by Senators Fraser, Haugen and Kline

AN ACT Relating to compliance with the state environmental policy act; amending RCW 43.21C.031; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Environment, Water & Energy.

SB 6763 by Senators Rockefeller, Prentice, Tom and Kline

AN ACT Relating to restricting the sales and use tax exemptions for machinery and equipment used in the generation of renewable energy to local electric utilities or persons contracting with local electric utilities; amending RCW 82.08.962 and 82.12.962; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6764 by Senators Gordon, Pflug, Oemig, McCaslin, Kline and Hargrove

AN ACT Relating to accrual of interest on judgments founded on tortious conduct; amending RCW 4.56.110; and creating a new section.

Referred to Committee on Judiciary.

SB 6765 by Senators Swecker and McCaslin

AN ACT Relating to vehicle combinations that may be operated on public highways; and amending RCW 46.44.036.

Referred to Committee on Transportation.

SJM 8024 by Senators Tom, Berkey and Schoesler

Requesting that all residential mortgages and deeds of trust become recourse loans.

Referred to Committee on Financial Institutions, Housing & Insurance.

SJM 8025 by Senators Prentice, Haugen, Fraser, Shin and Roach

Requesting that a retired space shuttle orbiter be transferred to Washington's museum of flight.

Referred to Committee on Natural Resources, Ocean & Recreation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 2196 by House Committee on Ways & Means (originally sponsored by Representatives Ericks and Ormsby)

AN ACT Relating to including service credit transferred from the law enforcement officers' and firefighters' retirement system plan 1 in the determination of eligibility for military service credit; and amending RCW 41.26.195.

Referred to Committee on Ways & Means.

SHB 2403 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Morrell, Kelley, Armstrong, Bailey, Hope, O'Brien, Klippert, Morris, Hurst, Hunt, Green, Roberts, Sells, McCune, Campbell, Nelson, Rolfes, Chase, Smith, Appleton, Maxwell, Sullivan, Dammeier, Upthegrove, Carlyle, Conway, Simpson, Orwall, Kenney, McCoy, Ormsby, Kretz and Haigh)

AN ACT Relating to military leave for public employees; and amending RCW 38.40.060.

Referred to Committee on Government Operations & Elections.

HB 2483 by Representatives Hurst, O'Brien, Armstrong, Hunt, Rodne, Morrell, Appleton, Alexander, Eddy, Kelley, Sullivan, Carlyle, Rolfes, Roach, Green and Kirby

AN ACT Relating to overseas and service voters; amending RCW 29A.40.150; and adding a new section to chapter 29A.40 RCW.

Referred to Committee on Government Operations & Elections.

ESHB 2921 by House Committee on Ways & Means (originally sponsored by Representatives Linville, Darneille, Ericks, Pettigrew, Probst, Haigh, Sullivan, Kelley and Wallace)

AN ACT Relating to fiscal matters; amending 2009 c 564 ss 120, 125, 126, 127, 128, 129, 130, 137, 139, 143, 151, 153, 154, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 215, 219, 222, 223, 225, 302, 303, 306, 307, 309, 311, 401, 402, and 513 (uncodified); adding new sections to 2009 c 564 (uncodified); and declaring an emergency.

Referred to Committee on Ways & Means.

SHJM 4004 by House Committee on Transportation (originally sponsored by Representatives Van De Wege, Kessler,

Rodne, Liiias, Takko, Hurst, Jacks, Hasegawa, Kelley, Eddy, Seaquist, McCoy, Appleton, Hudgins, Morrell, Hope, Sullivan and Nelson)

Naming a certain portion of state route number 110 the "Operations Desert Shield and Desert Storm Memorial Highway."

Referred to Committee on Transportation.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report be referred to the committees as designated with the exception of Senate Bill No. 6758 which should be referred to the Committee on Ways & Means.

POINT OF ORDER

Senator Schoesler: "Well, while I won't be making a motion I would like to comment that historically these measures have been and should continue to go first to the policy committee which in this case is Health Care and should not do this in the future."

Without further objection, the motion by Senator Edie carried and the measures were referred to the committees as designated with the exception of Senate Bill No. 6758 which was referred to the Committee on Ways & Means.

MOTION

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

MOTION

Senator McAuliffe moved adoption of the following resolution:

SENATE RESOLUTION 8681

By Senators McAuliffe, Oemig, Kauffman, Hobbs, Pridemore, Pflug, King, Murray, and Brandland

WHEREAS, Civic education is the foundation for an educated citizenry and a representative democracy; and

WHEREAS, In order to adequately prepare our state's youth for meaningful participation in our democratic institutions and

processes, it is important to have strong educational resources aimed at teaching students and the public about the fragile nature of our Constitution; and

WHEREAS, Civic education is part of the fabric of our country and for all students in our public schools; and

WHEREAS, Civic education is a vital tool to promote greater understanding of the role of legislators in a representative democracy and the legislative process; and

WHEREAS, By gathering educators in the state capitol, we recognize the value of civic education in Washington state; and

WHEREAS, By so doing, a forum is established for civic educators across the state to collaborate with legislators and other supporters; and

WHEREAS, Many organizations such as the Legislative Youth Advisory Council, We the People Foundation, Washington Media Association, Washington State Council of Social Studies, 4-H, YMCA Youth & Government, Washington State Bar Association, Office of the Secretary of State, Service Learning of Washington, Washington State Historical Society, Legislative Scholars Program, and Project Citizen are dedicated to making civic education a priority for Washington state and its citizens; and

WHEREAS, The contributions of committed teachers, principals, community leaders, parents, state employees, and volunteers contribute to the goals of these laudable organizations to create an engaged citizenry; and

WHEREAS, On January 25, 2010, the Washington State Senate honors Civic Education;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the responsibility of civic educators across the state to serve and inform all Washingtonians and honor civic educators across the state; and

BE IT FURTHER RESOLVED, That the Washington State Senate hereby honor, thank, and celebrate the civic educators of the state.

Senators McAuliffe and Eide spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8681.

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

MOTION

At 12:09 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, January 26, 2010.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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