

THIRTY SIXTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 14, 2011

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

MOTION

On motion of Senator Rockefeller, 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 11, 2011

SB 5056 Prime Sponsor, Senator Kline: Concerning bail and pretrial release practices. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5056 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Harper, Vice Chair; Pflug; Carrell; Hargrove; Kohl-Welles; Regala and Roach.

Passed to Committee on Rules for second reading.

February 10, 2011

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

MAJORITY recommendation: That Substitute Senate Bill No. 5092 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Kline; Murray; Parlette; Pflug and Pridemore.

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

Passed to Committee on Ways & Means.

February 10, 2011

SB 5140 Prime Sponsor, Senator Hargrove: Allowing the department of corrections to deport criminal illegal immigrant offenders serving a sentence. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5140 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper and McAuliffe.

Passed to Committee on Rules for second reading.

February 10, 2011

SB 5164 Prime Sponsor, Senator Schoesler: Concerning the registration of charitable organizations. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5164 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

Passed to Committee on Rules for second reading.

February 10, 2011

SB 5169 Prime Sponsor, Senator Rockefeller: Encouraging economic development by exempting certain counties from the forest land compensating tax. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Hatfield; Holmquist Newbry; Kilmer and Shin.

Passed to Committee on Rules for second reading.

February 10, 2011

SB 5172 Prime Sponsor, Senator Brown: Authorizing the use of short-term, on-site child care for the children of facility employees. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper and McAuliffe.

Passed to Committee on Rules for second reading.

February 10, 2011

SB 5308 Prime Sponsor, Senator Kilmer: Concerning evaluating military training and experience toward meeting certain professional licensing requirements. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5308 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

Passed to Committee on Rules for second reading.

February 10, 2011

SB 5325 Prime Sponsor, Senator Shin: Concerning trade promotion. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That Substitute Senate Bill No. 5325 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Holmquist Newbry; Kilmer and Shin.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ericksen and Hatfield.

Passed to Committee on Rules for second reading.

February 10, 2011

SB 5386 Prime Sponsor, Senator Pridemore: Creating an organ donation work group. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5386 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Carrell; Kline; Murray; Parlette; Pflug and Pridemore.

Passed to Committee on Rules for second reading.

February 10, 2011

SB 5426 Prime Sponsor, Senator Kohl-Welles: Allowing the department of early learning and the department of social and health services to share background check information. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Carrell; Harper and McAuliffe.

Passed to Committee on Rules for second reading.

February 10, 2011

SB 5500 Prime Sponsor, Senator Baumgartner: Concerning the rule-making process for state economic policy. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Ericksen; Hatfield; Holmquist Newbry and Kilmer.

Passed to Committee on Rules for second reading.

February 10, 2011

SB 5508 Prime Sponsor, Senator Parlette: Reauthorizing the joint legislative select committee on health reform implementation. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5508 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Carrell; Kline; Murray; Parlette; Pflug and Pridemore.

Passed to Committee on Rules for second reading.

February 10, 2011

SB 5539 Prime Sponsor, Senator Kohl-Welles: Concerning Washington's motion picture competitiveness. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5539 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

Passed to Committee on Ways & Means.

February 10, 2011

SB 5594 Prime Sponsor, Senator Kohl-Welles: Regulating the handling of hazardous drugs. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 5594 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Keiser and Kline.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist Newbry; King and Hewitt.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 10, 2011

SGA 9003 ROBERT C ANDERSON, appointed on February 12, 2010, for the term ending October 1, 2012, as Member of the Small Business Export Finance Assistance Center Board of Directors. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Ericksen; Hatfield; Holmquist Newbry; Kilmer and Shin.

Passed to Committee on Rules for second reading.

February 10, 2011

SGA 9068 MIKE D MARAVE, reappointed on February 12, 2010, for the term ending October 1, 2012, as Member of the Small Business Export Finance Assistance Center Board of Directors. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Ericksen; Hatfield; Holmquist Newbry; Kilmer and Shin.

Passed to Committee on Rules for second reading.

MOTION

On motion of Rockefeller, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5056 and Senate Bill No. 5169 which were referred to the Committee on Ways & Means.

MOTION

On motion of Senator Rockefeller, the Senate advanced to the third order of business.

MESSAGE FROM THE SECRETARY OF STATE

February 14, 2011

THIRTY SIXTH DAY, FEBRUARY 14, 2011

To the Honorable Tom Hoemann
 Secretary of the Senate
 Legislative Building
 Olympia, WA 98501

Dear Secretary Hoemann:

I, Sam Reed, Secretary of the State of Washington and custodian of the Seal of the State of Washington, do hereby certify that the attached is a true and correct copy of the certificate of appointment of Jeffery H. Baxter for the office of State Senator for the 4th Legislative District of the State of Washington, which seat was recently vacated by the resignation of Senator Bob McCaslin.

I further certify that Jeffery H. Baxter has been duly appointed to the office of State Senator from the 4th Legislative District of the State of Washington.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the State of Washington. Done at the Capitol in Olympia, Washington, this 14th day of February, 2011.

SAM REED
 Secretary of State

(Seal)

BEFORE THE BOARD OF COUNTY COMMISSIONERS
 OF SPOKANE COUNTY, WASHINGTON

No. 11-0138

IN THE MATTER OF FILLING THE VACANCY
 IN THE FOURTH LEGISLATIVE DISTRICT OF
 THE STATE SENATE WITHIN THE STATE OF
 WASHINGTON

WHEREAS, pursuant to the provisions of RCW 36.32.120(6), the Board of County Commissioners of Spokane County has the care of County property and the management of County funds and business, and

WHEREAS, pursuant to the provisions of Article II, Section 15 of the Washington State Constitution, when a vacancy occurs in either the House of the Legislature, or in any partisan County elected office, it shall be filled by appointment by the Board of County Commissioners of the County in which the vacancy occurs provided that the vacancy must be from the same legislative district, County, or County Commissioner District and the same political party as the legislator of partisan County elective officer whose office has been vacated, and shall be one of three persons who shall be nominated by the County Central Committee of that party; and

WHEREAS, Bob McCaslin submitted his resignation as State Senator from the 4th Legislative District of the State of Washington to the Governor of the State of Washington; and

WHEREAS, pursuant to the provisions of Article II, Section 15 of the Washington State Constitution, the Spokane County Republican Party, through correspondence dated January 18, 2011, submitted a letter to the Board of County Commissioners of Spokane County, containing the names of three persons who were nominated by the Spokane County Republican Party to fill the vacancy created by the resignation of Bob McCaslin,

NOW, THEREFORE, BE IT HERBY RESOLVED by the Board of County Commissioners of Spokane County, pursuant to

2011 REGULAR SESSION

the provisions of Article II, Section 15 of the Washington State Constitution and the letter submitted to the Board of County Commissioners dated January 18, 2011, from the Spokane County Republican Party, that the Board does hereby appoint:

Jeffery H. Baxter to fill the vacancy created by the resignation of Bob McCaslin as State Senator of the 4th Legislative District of the State of Washington to hold such office until his successor is elected at the next General Election.

PASSED AND ADOPTED this 11th day of February, 2011,

BOARD OF SPOKANE COMMISSIONERS OF
 SPOKANE COUNTY, WASHINGTON
 AL FRENCH, CHAIR
 TODD MIELKE, VICE CHAIR
 MARK RICHARD, COMMISSIONER

ATTEST:

DANIELA ERICKSON, Clerk of the Board

MESSAGE FROM THE GOVERNOR
 GUBERNATORIAL APPOINTMENTS

January 6, 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.

JUDI OWENS, reappointed January 6, 2011, for the term ending at the governor's pleasure, as Member of the Investment Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Ways & Means.

February 14, 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.

WILLIAM H. CHAPMAN, reappointed February 1, 2011, for the term ending December 31, 2013, as a Chair of the Recreation and Conservation Funding Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources & Marine Waters.

February 14, 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.

PETER M. MAYER, appointed January 13, 2011, for the term ending December 31, 2013, as Member of the Recreation and Conservation Funding Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources & Marine Waters.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 5787 by Senators Becker, Holmquist Newbry, Hill, Stevens, Swecker, Shin and Honeyford

AN ACT Relating to state need grant student merit considerations; and amending RCW 28B.92.060.

Referred to Committee on Higher Education & Workforce Development.

SB 5788 by Senators Conway, Hewitt, Kohl-Welles and King

AN ACT Relating to the omnibus liquor act; amending RCW 66.28.290, 66.24.360, 66.24.371, 66.24.570, 66.24.580, 66.28.040, 66.28.042, 66.28.043, 66.28.155, 66.28.190, 66.24.240, 66.20.010, 66.24.310, 66.24.400, and 66.24.590; reenacting and amending RCW 66.28.310; repealing RCW 66.28.010; providing an effective date; and declaring an emergency.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5789 by Senators Harper, Murray, Shin, McAuliffe, Hatfield, Pridemore, Nelson, Ranker, Conway, Kohl-Welles and Kline

AN ACT Relating to addressing workplace bullying by making it an unfair practice to subject an employee to an abusive work environment; adding a new section to chapter 49.60 RCW; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5790 by Senators Hargrove, Stevens, Regala and Shin

AN ACT Relating to crime-related boards and commissions; amending RCW 9.95.003, 9.95.005, 9.95.007, 9.95.140, 9.95.280, 9.95.300, 9.96.050, 71.05.385, 72.09.585, 9.94A.480, 9.94A.863, 13.50.010, 9.94A.74501, 9.94A.855, 9.94A.870, 9.94A.875, 9A.52.025, 10.98.140, 10.98.160, 72.09.350, and 72.66.016; reenacting and amending RCW 9.94A.030, 70.96A.350, and 43.15.020; adding a new section to chapter 43.280 RCW; decodifying RCW 4.24.5502; repealing RCW 13.40.005, 9.94A.850, 9.94A.860, 9.94A.8671, 9.94A.8672, 9.94A.8673, 9.94A.8674, 9.94A.8675, 9.94A.8676, 9.94A.8677, and 9.94A.8678; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5791 by Senators Hobbs, Fain, King, Haugen and White

AN ACT Relating to commercial activity at certain park and ride lots; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

SB 5792 by Senator Ericksen

AN ACT Relating to authorizing creation of innovation schools and innovation zones in school districts; amending RCW 28A.657.050; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.165 RCW; adding a new section to chapter 28A.170 RCW; adding a new section to chapter 28A.175 RCW; adding a new section to chapter 28A.180 RCW; adding a new section to chapter 28A.185 RCW; adding a new section to chapter 28A.190 RCW; adding a new section to chapter 28A.193 RCW; adding a new section to chapter 28A.194 RCW; adding a new section to chapter 28A.215 RCW; adding a new section to chapter 28A.220 RCW; adding a new section to chapter 28A.225 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.235 RCW; adding a new section to chapter 28A.245 RCW; adding a new section to chapter 28A.250 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.325 RCW; adding a new section to chapter 28A.335 RCW; adding a new section to chapter 28A.340 RCW; adding a new section to chapter 28A.345 RCW; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.415 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.605 RCW; adding a new section to chapter 28A.620 RCW; adding a new section to chapter 28A.623 RCW; adding a new section to chapter 28A.625 RCW; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 28A.635 RCW; adding a new section to chapter 28A.650 RCW; adding a new section to chapter 28A.655 RCW; adding a new section to chapter 28A.700 RCW; adding a new chapter to Title 28A RCW; and creating new sections.

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

SB 5793 by Senators Murray, White, Ranker, Kline, Chase, Eide, Kohl-Welles, Brown, Prentice, Nelson, McAuliffe, Keiser, Harper, Regala and Fraser

AN ACT Relating to civil marriage equality, recognizing the right of all citizens of Washington state, including couples of the same gender, to obtain civil marriage licenses; amending RCW 26.04.010 and 26.04.020; and creating a new section.

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

SB 5794 by Senators Kilmer and Schoesler

AN ACT Relating to the taxation of domestically brewed beer; amending RCW 66.24.290; providing an effective date; and declaring an emergency.

THIRTY SIXTH DAY, FEBRUARY 14, 2011

2011 REGULAR SESSION

Referred to Committee on Ways & Means.

adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.61 RCW; adding a new section to chapter 46.16A RCW; and providing an effective date.

SB 5795 by Senators Brown, Kohl-Welles, Conway, Harper, Shin, Ranker, White, Murray, Kastama and Kilmer

Referred to Committee on Transportation.

AN ACT Relating to funding higher education child care grants; and amending RCW 67.70.190.

SB 5801 by Senators Kohl-Welles, Holmquist Newbry, Conway and Kline

Referred to Committee on Ways & Means.

AN ACT Relating to establishing medical provider networks and expanding centers for occupational health and education in the industrial insurance system; amending RCW 51.36.010; providing an effective date; and declaring an emergency.

SB 5796 by Senators Haugen, King and Shin

AN ACT Relating to public transportation systems; amending RCW 35.58.2795 and 35.58.2796; adding a new section to chapter 43.19 RCW; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

Referred to Committee on Transportation.

SB 5802 by Senators Ranker, Swecker, Eide, Hargrove, Morton, Fraser, Holmquist Newbry and Honeyford

SB 5797 by Senators Fain and Haugen

AN ACT Relating to eliminating the urban arterial trust account; amending RCW 36.70A.340, 46.68.090, 46.68.110, 47.26.084, 47.26.190, 47.26.140, 47.26.423, 47.26.425, 47.26.4252, and 47.26.4254; reenacting and amending RCW 43.84.092; decodifying RCW 46.68.160; and repealing RCW 47.26.080.

AN ACT Relating to prosecuting attorney salaries; amending RCW 36.17.020; and creating a new section.

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

Referred to Committee on Transportation.

MOTION

SB 5798 by Senators Fraser and Benton

AN ACT Relating to homeowners' associations; amending RCW 64.38.005, 64.38.010, 64.38.020, 64.38.025, 64.38.030, 64.38.035, and 64.38.040; and adding new sections to chapter 64.38 RCW.

On motion of Senator Rockefeller, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

The President announced the appointment of Senator Baxter to the following committees:

The Committee on Judiciary, to fill an open slot;

The Committee on Human Services and Corrections, replacing Senator Ericksen;

The Committee on Ways & Means, to fill an open slot.

Referred to Committee on Financial Institutions, Housing & Insurance.

MOTION

SB 5799 by Senators King, Honeyford, Delvin, Holmquist Newbry, Becker and Hewitt

AN ACT Relating to criminal street gangs; amending RCW 13.40.127, 9A.46.120, 9A.48.105, 9.94A.829, 9.94A.702, 59.18.075, 26.50.160, and 70.41.440; reenacting and amending RCW 9.94A.030; adding new sections to chapter 43.20A RCW; adding a new chapter to Title 7 RCW; adding a new chapter to Title 10 RCW; creating a new section; and prescribing penalties.

On motion of Senator Rockefeller, the appointments were confirmed.

MOTION

Referred to Committee on Judiciary.

At 12:06 p.m., on motion of Senator Rockefeller, the Senate adjourned until 12:00 noon, Tuesday, February 15, 2011.

BRAD OWEN, President of the Senate

SB 5800 by Senators King, Haugen and Shin

AN ACT Relating to authorizing the use of modified off-road motorcycles on public roads; amending RCW 46.09.470;

THOMAS HOEMANN, Secretary of the Senate

THIRTY SIXTH DAY, FEBRUARY 14, 2011

2011 REGULAR SESSION

5056	Committee Report	1	5791	Introduction & 1 st Reading.....	4
	Other Action.....	2	5792	Introduction & 1 st Reading.....	4
5092	Committee Report	1	5793	Introduction & 1 st Reading.....	4
5140	Committee Report	1	5794	Introduction & 1 st Reading.....	4
5164	Committee Report	1	5795	Introduction & 1 st Reading.....	5
5169	Committee Report	1	5796	Introduction & 1 st Reading.....	5
	Other Action.....	2	5797	Introduction & 1 st Reading.....	5
5172	Committee Report	1	5798	Introduction & 1 st Reading.....	5
5308	Committee Report	1	5799	Introduction & 1 st Reading.....	5
5325	Committee Report	1	5800	Introduction & 1 st Reading.....	5
5386	Committee Report	2	5801	Introduction & 1 st Reading.....	5
5426	Committee Report	2	5802	Introduction & 1 st Reading.....	5
5500	Committee Report	2	9003 Robert Anderson	Committee Report.....	2
5508	Committee Report	2	9068 Mike Marave	Committee Report.....	2
5539	Committee Report	2	9144 Judi Owens	Introduced.....	3
5594	Committee Report	2	9145 William H. Chapman	Introduced.....	3
5787	Introduction & 1 st Reading	4	9146 Peter M. Mayer	Introduced.....	3
5788	Introduction & 1 st Reading	4	MESSAGE FROM GOVERNOR		
5789	Introduction & 1 st Reading	4	Gubernatorial Appointments.....	3	
5790	Introduction & 1 st Reading	4	WASHINGTON STATE SENATE		
			Message from Sec. of State, appointment certificate	2	