

SEVENTY EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 28, 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, Conway, Delvin, Kohl-Welles, McAuliffe, Pflug and Sheldon.

The Sergeant at Arms Color Guard consisting of Pages Virginia Pohl and Kaylene Stocking, presented the Colors. Reverend Dennis Magnuson of Redmond United Methodist Church 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 third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

July 30, 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.

DAVID TROUTT, reappointed July 30, 2010, for the term ending July 15, 2014, as Member of the Salmon Recovery Funding Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources & Marine Waters.

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 fourth order of business.

MESSAGE FROM THE HOUSE

March 25, 2011

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5124,

SUBSTITUTE SENATE BILL NO. 5157,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5747.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 25, 2011

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1175.  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5909 by Senators Holmquist Newbry, Honeyford, Schoesler and Hatfield

AN ACT Relating to granting the authority to make final water right decisions to conservancy boards; amending RCW 90.80.055, 90.80.070, 90.80.080, 90.80.090, and 90.80.120; reenacting and amending RCW 43.21B.110 and 43.21B.110; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Environment, Water & Energy.

SB 5910 by Senators White, Murray, Nelson, Kohl-Welles and Kline

AN ACT Relating to local government parking taxes; and adding a new section to chapter 82.80 RCW.

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

MOTION

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

MOTION

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Shin moved that Gubernatorial Appointment No. 9015, Elizabeth Chen, as a member of the State Board for Community and Technical Colleges, be confirmed.

Senator Shin spoke in favor of the motion.

MOTION

On motion of Senator White, Senators Kohl-Welles, McAuliffe and Sheldon were excused.

#### MOTION

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

Senator Keiser spoke in favor of the motion.

#### APPOINTMENT OF ELIZABETH CHEN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9015, Elizabeth Chen as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9015, Elizabeth Chen as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

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

Absent: Senator Conway

Excused: Senators Benton, Delvin, Kohl-Welles, McAuliffe, Pflug and Sheldon

Gubernatorial Appointment No. 9015, Elizabeth Chen, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the family of Senator Holmquist Newbry who were seated in the gallery.

#### REMARKS BY THE PRESIDENT

President Owen: "It is the President's pleasure to introduce a distinguished guest visiting us from Oregon, retired State Senator Lynn Newbry.

Senator Newbry is a man of accomplishment. He served our country in the Air Force. At age 24, he ran his family's pear orchard while his father served in the Oregon State Senate. Our guest today also served as either the Chair or Co-Chair of the Oregon State Senate's Ways & Means Committee for most of his 14 year tenure. He served as the first chairman of the Oregon State Accident Insurance Fund, chaired boards on the Valley of the Rogue Bank, the Southern Oregon Timber Industries Association, and the Oregon Forest Industries Council. He also served on the State Board of Forestry and State Parks Commission. He was named the First Citizen of Medford in 1992.

A good friend of Senator Irv Newhouse, Senator Newhouse admired a tie tac that Lynn wore in the shape of a pear. As a token of friendship, Senator Newbry presented a duplicate tic-tac to Senator Newhouse so that both farmers could proudly wear the emblem of their profession in the legislature.

At a young age of 87, Senator Newbry's legacy continues as he is the new grandfather-in-law of our very own State Senator Janea Holmquist Newbry. He is here to see the third Senator Newbry in action.

Also, accompanying him is his wife of sixty-eight years, Charlotte, son Ron and daughter-in-law Sandi and grandson Matt Newbry, Senator Holmquist Newbry's husband."

#### MOTION

On motion of Senator Eide, Senator Conway was excused.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of Senator Baxter's family who were seated in the gallery.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the British Columbia Legislative Intern program from Victoria who were seated in the gallery.

#### PERSONAL PRIVILEGE

Senator Holmquist Newbry: "Thank you Mr. President. First I would like to thank you for the wonderful introduction of my family joining us here today and I'm just so honored to have my husband Matt, my father-in-law, mother-in-law, Ron and Sandi and then Ron's parents, Lynn and Charlotte. I have been so blessed to get to know these two great individuals through the last little over a year now and as you've already mentioned I just been trying to soak in as much advice and wisdom and they're almost eighty-eight years of life and, Lynn and Charlotte, you continue to amaze me. Lynn, of course, not only serving our country in the Air Force where he ended up marrying Charlotte in a church full of strangers basically and there's a story to that. They have been on many travels around the world and it's really particularly interesting for me to hear about Senator Lynn Newbry's experience in the Oregon Legislature as they face a lot of the same trials and tribulations that we're facing here today in Washington. It was fun for me to hear and I think a lot of us can relate but he was known for his humility and candor and for his ability to build and form bipartisan coalitions and as the chair and co-chair of the Ways and Means Committee, I got a lot a little laugh out of this, all of the members of the Ways and Means Committee while he served, both Democrats and Republicans, wore meat cleaver tie tacs to symbolize what they had to do to their then-bloated budgets so I thought maybe he could send that on so we could send it to Chair Murray for the rest of this session. He also was able to speak, for example, at functions with Paul Harvey where it occurred to him, a theory occurred to him, which became known as Newbry's Law and that was an 'undisciplined individual is dustin to lose his or her freedoms in an undisciplined society will ultimately lose its freedoms.' He, when he served, he for the privilege of serving earned six hundred dollars a year and their offices were actually their floor desks. Right out here on the floor was their office. That's all they had to work with and to make ends meet many of the Senators hired their wives as their administrative assistants. So, as we know, behind every strong man is a strong woman. Charlotte served right next to Lynn out on the Senate. You know, dictating and doing letters and pasting then amendments on bills. Charlotte, I sure loved hearing that many of your words of wisdom, for example, how you helped remember many names for your husband and yourself even though you went through a lot of purses and there's a story there

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too. When I first met Lynn and Charlotte I was dating their grandson Matt, and I can remember at the end of the visit that Lynn kind of nudged his grandson Matt and basically said if you play your cards right we may have a Senator, a third Senator Newbry in the family. So, I stand proudly before you as the third Senator Newbry wearing a name tag that is older than I as he served his last term in '74 which, coincidentally, was the year I was born and as a good reminder to try to embody all those wonderful characteristics that you currently have. That you Charlotte not only being states men as a wonderful husband, father and grandfather and I think most proudly, Mr. President, I'm just so pleased to call them family. So, Grandpa and Grandma Newby I wish you the best of luck and many more adventures and a lot more happiness. Thank you Mr. President."

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9135, Denny Heck, as a member of the Board of Trustees, The Evergreen State College, be confirmed.

Senator Fraser and Benton spoke in favor of passage of the motion.

APPOINTMENT OF DENNY HECK

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9135, Denny Heck as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9135, Denny Heck as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

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

Voting nay: Senator Ericksen

Excused: Senators Conway, Delvin, Kohl-Welles, McAuliffe and Sheldon

Gubernatorial Appointment No. 9135, Denny Heck, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Brown moved that Gubernatorial Appointment No. 9056, Jo Ann Kauffman, as a member of the Board of Trustees, Eastern Washington University, be confirmed.

Senator Brown spoke in favor of the motion.

APPOINTMENT OF JO ANN KAUFFMAN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9056, Jo Ann

Kauffman as a member of the Board of Trustees, Eastern Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9056, Jo Ann Kauffman as a member of the Board of Trustees, Eastern Washington University and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Delvin, McAuliffe and Sheldon

Gubernatorial Appointment No. 9056, Jo Ann Kauffman, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Eastern Washington University.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1055, by House Committee on Labor & Workforce Development (originally sponsored by Representatives Hudgins, Green, McCoy, Eddy, Kenney and Reykdal)

Regarding the streamlining of contractor appeals.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute House Bill No. 1055 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Holmquist Newbry 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. 1055.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1055 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Delvin, McAuliffe and Sheldon

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1055, 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

HOUSE BILL NO. 1345, by Representatives Rivers, Pedersen and Rodne

Regarding the uniform unsworn foreign declarations act.

The measure was read the second time.

#### MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1345 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 1345.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1345 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

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

Voting nay: Senator Baumgartner

Excused: Senators Delvin, McAuliffe and Sheldon

HOUSE BILL NO. 1345, 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

HOUSE BILL NO. 1424, by Representatives Jacks, Haler and Upthegrove

Regarding administrative consistency in student financial aid programs.

The measure was read the second time.

#### MOTION

On motion of Senator Tom, the rules were suspended, House Bill No. 1424 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom and Hill 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. 1424.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1424 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Baumgartner, Baxter, Becker, Benton, Brown, Carrell, Chase, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, Morton, Murray, Nelson, Parlette,

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

Excused: Senators Delvin, McAuliffe and Sheldon

HOUSE BILL NO. 1424, 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

HOUSE BILL NO. 1479, by Representatives Goodman and Rodne

Revising the publication requirements of the statute law committee.

The measure was read the second time.

#### MOTION

Senator Kline moved that the following committee amendment by the Committee on Judiciary be adopted:

On page 3, line 9, after "charge a" strike "reasonable fee for" and insert "minimal fee sufficient to cover costs of"

On page 6, line 6, after "charge a" strike "reasonable fee for" and insert "minimal fee sufficient to cover costs of"

Senator Kline spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Judiciary to House Bill No. 1479.

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

#### MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1479 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 Kline and Pflug 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. 1479 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1479 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

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

Voting nay: Senators Becker, Holmquist Newbry and Stevens

Excused: Senators Delvin and McAuliffe

HOUSE BILL NO. 1479 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.

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SECOND READING

HOUSE BILL NO. 1488, by Representatives Jinkins, Schmick, Cody, Hinkle, Moeller and Roberts

Updating the authority of the state board of health.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1488 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser 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. 1488.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1488 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Delvin and McAuliffe

HOUSE BILL NO. 1488, 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

SUBSTITUTE HOUSE BILL NO. 1571, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Eddy, McCoy, Crouse, Frockt, Kelley, Short, Jacks, Fitzgibbon and Billig)

Limiting regulation of electric vehicle battery charging facilities.

The measure was read the second time.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Substitute House Bill No. 1571 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1571.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1571 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Delvin

SUBSTITUTE HOUSE BILL NO. 1571, 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

HOUSE BILL NO. 1694, by Representatives Stanford and Kirby

Regulating unauthorized insurance.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, House Bill No. 1694 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs 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. 1694.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1694 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Delvin

HOUSE BILL NO. 1694, 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

At 11:07 a.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Tuesday, March 29, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate





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