

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 19, 2011

The Senate was called to order at 10:00 a.m. by President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Benton, Carrell, Erickson, Hobbs, Ranker and Roach.

The Sergeant at Arms Color Guard consisting of Pages Brayden Irons Hisaw and Chelsea U. Nnanabu, presented the Colors. Pastor Steven Mulkey of Mars Hill Church of Olympia offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 4, 2011

SB 5046 Prime Sponsor, Senator Kohl-Welles: Adding court-related employees to the assault in the third degree statute. Reported by Committee on Judiciary

MAJORITY recommendation: 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.

January 18, 2011

SB 5057 Prime Sponsor, Senator Pflug: Concerning the income tax required to be paid by a trustee. Reported by Committee on Judiciary

MAJORITY recommendation: 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.

January 18, 2011

SB 5058 Prime Sponsor, Senator Pflug: Addressing receiverships. Reported by Committee on Judiciary

MAJORITY recommendation: 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.

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 18, 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.

GEORGE MASTEN, reappointed January 1, 2011, for the term ending December 31, 2013, as Member of the Investment Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5237 by Senators White, Swecker, Morton, Pridemore, Kilmer, Sheldon and Shin

AN ACT Relating to creating the office of open records; amending RCW 34.05.030; adding new sections to chapter 42.56 RCW; and providing an effective date.

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

SB 5238 by Senators Prentice and Conway

AN ACT Relating to establishing the Washington investment trust; amending RCW 42.56.270; reenacting and amending RCW 42.56.400; adding a new section to chapter 39.58 RCW; adding a new chapter to Title 43 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5239 by Senators Honeyford, Morton, Swecker and Becker

AN ACT Relating to the allocation method used for the distribution of federal forest revenue to public schools;

amending RCW 28A.520.020; and providing an effective date.

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

SB 5240 by Senators Fraser, Roach, Delvin, Rockefeller, Ranker, Chase, Prentice, Keiser, Shin, King, Schoesler and Honeyford

AN ACT Relating to submission of DNA markers to a database accessible only to qualified laboratory personnel; amending RCW 43.43.753, 43.43.735, 43.43.740, 43.43.754, 46.63.110, 43.43.690, and 43.43.7541; adding a new section to chapter 43.43 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5241 by Senators Roach and Tom

AN ACT Relating to the authority of a watershed management partnership; and amending RCW 39.34.215.

Referred to Committee on Environment, Water & Energy.

SB 5242 by Senators Hargrove, Pflug, Kline, Regala, Harper, Carrell, Keiser, Nelson, Sheldon, Conway and Shin

AN ACT Relating to motorcycle profiling; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Judiciary.

SB 5243 by Senators Tom, Prentice, Shin, Nelson, Chase and Kline

AN ACT Relating to the establishment of a process to support local jurisdictions for outstanding progress in implementing the growth management act; adding new sections to chapter 36.70A RCW; and creating new sections.

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

SB 5244 by Senators Fraser, Nelson and Delvin

AN ACT Relating to law enforcement crime prevention efforts regarding security alarm systems and crime watch programs for residential and commercial locations; and reenacting and amending RCW 42.56.240.

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

SB 5245 by Senators Regala, Shin and McAuliffe

AN ACT Relating to extended foster care services; amending RCW 13.04.011 and 74.13.020; reenacting and amending RCW 13.34.030, 74.13.031, and 13.34.145; adding a new section to chapter 13.34 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5246 by Senators Chase, Harper, White and Nelson

AN ACT Relating to employer review of abstracts of driving records; and amending RCW 46.52.130.

Referred to Committee on Transportation.

SB 5247 by Senators Conway, Keiser and Kline

AN ACT Relating to health insurance rates; adding a new section to chapter 48.43 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 5248 by Senators Hobbs, Chase and Harper

AN ACT Relating to the negotiated sale and conveyance of all or part of water systems owned by a municipal corporation; and amending RCW 54.16.180 and 35.92.070.

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

SB 5249 by Senators Haugen, Swecker and Shin

AN ACT Relating to consolidating fish and wildlife officers into the Washington state patrol; adding new sections to chapter 43.43 RCW; adding a new section to chapter 77.15 RCW; creating new sections; and providing an effective date.

Referred to Committee on Transportation.

SB 5250 by Senators Haugen, King, White and Swecker

AN ACT Relating to the design-build procedure for certain projects; and amending RCW 47.20.780 and 47.20.785.

Referred to Committee on Transportation.

SB 5251 by Senators Haugen, Swecker, Sheldon, Hobbs and White

AN ACT Relating to electric vehicle license fees; adding a new section to chapter 46.17 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 5252 by Senator Haugen

AN ACT Relating to streamlining the process applicable to reducing speed limits on state highways; and amending RCW 46.61.405.

Referred to Committee on Transportation.

SB 5253 by Senators White, Swecker, Nelson, Litzow and Harper

AN ACT Relating to landscape conservation and local infrastructure; amending RCW 84.55.120 and 36.70A.080; adding a new chapter to Title 39 RCW; and creating a new section.

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

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SB 5254 by Senators Schoesler, Hatfield, King, Hewitt, Carrell, Delvin, Pridemore, Baumgartner, Holmquist Newbry and Conway

AN ACT Relating to the licensing of explosive dealers, manufacturers, sellers, and storage; and amending RCW 70.74.120, 70.74.137, 70.74.140, 70.74.142, 70.74.144, 70.74.146, 70.74.150, 70.74.360, and 70.74.380.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5255 by Senators Haugen and Delvin

AN ACT Relating to interagency agreements between the Washington state patrol and the Washington state department of transportation and other government entities for police services for projects involving state highway routes and public safety services; and amending RCW 43.43.120.

Referred to Committee on Transportation.

SB 5256 by Senators Kline, Honeyford and Schoesler

AN ACT Relating to wine shipments; and amending RCW 66.20.360, 66.20.365, 66.20.370, 66.20.375, 66.20.380, 66.20.385, 66.20.390, and 66.24.210.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5257 by Senators Kline, Honeyford and Schoesler

AN ACT Relating to craft wine and wineries; and adding a new chapter to Title 66 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5258 by Senators Kline, Honeyford, Holmquist Newbry and Schoesler

AN ACT Relating to methods of payment for purposes of the alcohol beverage control statutes; and amending RCW 66.28.270.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5259 by Senators Kline, Honeyford, Kohl-Welles, Carrell and Schoesler

AN ACT Relating to the tax payment and reporting requirements of small wineries; and amending RCW 66.24.230 and 66.24.210.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5260 by Senators King, Haugen, Eide, Swecker, Delvin, Hobbs and Ericksen

AN ACT Relating to combination of vehicles; and amending RCW 46.44.037.

Referred to Committee on Transportation.

SB 5261 by Senators Hobbs, Schoesler, Benton, Hill, Honeyford and Shin

AN ACT Relating to developing training for manufactured housing community managers; adding a new chapter to Title 59 RCW; prescribing penalties; providing an effective date; and providing a contingent effective date.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5262 by Senators Keiser, Pridemore, Nelson, Prentice, Murray and Chase

AN ACT Relating to providing patients with information on options for breast reconstruction; adding a new section to chapter 70.41 RCW; and adding a new section to chapter 70.230 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5263 by Senators Keiser, Kohl-Welles and Conway

AN ACT Relating to leave enforcement under the family care act; and amending RCW 49.12.280 and 49.12.285.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5264 by Senators Swecker and Sheldon

AN ACT Relating to Mazama pocket gophers; creating new sections; and providing an expiration date.

Referred to Committee on Natural Resources & Marine Waters.

SB 5265 by Senators Swecker, Pridemore and Prentice

AN ACT Relating to flood control zone districts; amending RCW 36.93.020, 86.15.010, 86.15.035, and 86.15.080; and adding a new section to chapter 86.15 RCW.

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

SB 5266 by Senator Swecker

AN ACT Relating to providing certain state agencies the authority to improve the permitting process; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 77.12 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Natural Resources & Marine Waters.

SB 5267 by Senator Swecker

AN ACT Relating to providing fairness in government regulation of property; adding new sections to chapter 64.40

RCW; adding a new section to chapter 36.70A RCW; and creating new sections.

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

SB 5268 by Senator Pridemore

AN ACT Relating to efficiencies and savings in higher education; amending RCW 43.03.220, 43.03.230, 43.03.240, 43.03.250, and 43.03.265; amending 2010 c 3 ss 602, 603, and 604 (uncodified); amending 2010 1st sp.s. c 37 s 901 (uncodified); creating new sections; and declaring an emergency.

Referred to Committee on Higher Education & Workforce Development.

SB 5269 by Senators Hobbs, Delvin, Hatfield, Haugen, Kastama and Kline

AN ACT Relating to child care center subsidies; amending RCW 74.12.010; adding new sections to chapter 74.08A RCW; adding a new section to chapter 74.12 RCW; adding a new section to chapter 43.215 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5270 by Senator Kline

AN ACT Relating to inquests for deaths involving a member of a law enforcement agency; amending RCW 36.24.020; adding a new section to chapter 36.24 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5271 by Senators Rockefeller, Swecker, Ranker, Morton, Sheldon, Delvin, Schoesler, Regala, Nelson, Fraser, Kilmer, Shin and Kline

AN ACT Relating to abandoned or derelict vessels; and amending RCW 79.100.110, 79.100.130, 53.08.320, and 79.100.030.

Referred to Committee on Natural Resources & Marine Waters.

SB 5272 by Senators Fraser, Swecker, Hargrove, Regala, Sheldon, Nelson and Ranker

AN ACT Relating to providing the authority to create a community forest trust to be managed by the department of natural resources; amending RCW 79.17.210, 43.30.385, 79.64.020, and 79.64.040; reenacting and amending RCW 79.02.010; and adding a new chapter to Title 79 RCW.

Referred to Committee on Natural Resources & Marine Waters.

SB 5273 by Senators Hargrove, Swecker, Rockefeller, Schoesler, Ranker, Morton, Hatfield, Delvin, Sheldon, Regala and Hewitt

AN ACT Relating to authorizing the department of natural resources to conduct a forest biomass to aviation fuel demonstration project to facilitate Washington leading the nation in aviation biofuel production; and creating new sections.

Referred to Committee on Natural Resources & Marine Waters.

SB 5274 by Senators Ranker, Pridemore, Kohl-Welles, Tom, Haugen, Nelson, Keiser, White, Harper, Regala, Murray, Fraser, Chase, Kline, Prentice, Conway and McAuliffe

AN ACT Relating to limited service pregnancy centers; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SB 5275 by Senators Kline, Haugen, Kohl-Welles, Hargrove, Rockefeller, Nelson, Ranker, Keiser, Swecker, White, Conway, Hobbs, Chase, Harper, Kilmer, Prentice, Shin, Murray, Fraser and McAuliffe

AN ACT Relating to protecting and assisting homeowners from unnecessary foreclosures; amending RCW 61.24.030, 61.24.031, 61.24.040, 61.24.135, and 82.45.010; reenacting and amending RCW 61.24.005; adding new sections to chapter 61.24 RCW; adding a new section to chapter 36.22 RCW; creating new sections; and repealing 2009 c 292 s 13 (uncodified).

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5276 by Senators Holmquist Newbry, King, Schoesler, Honeyford and Hewitt

AN ACT Relating to repealing the family and medical leave insurance act; amending RCW 51.44.033; reenacting and amending RCW 43.79A.040; repealing RCW 49.86.005, 49.86.010, 49.86.020, 49.86.030, 49.86.040, 49.86.050, 49.86.060, 49.86.070, 49.86.080, 49.86.090, 49.86.100, 49.86.110, 49.86.120, 49.86.130, 49.86.140, 49.86.150, 49.86.160, 49.86.170, 49.86.180, 49.86.190, 49.86.200, 49.86.210, 49.86.900, 49.86.901, 49.86.902, and 49.86.903; and providing an effective date.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5277 by Senators Holmquist Newbry, King and Parlette

AN ACT Relating to adjusting workers' compensation premium rates; amending RCW 51.16.035; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5278 by Senators Holmquist Newbry and King

AN ACT Relating to information contained in rate notices under the industrial insurance laws; and amending RCW 51.16.105.

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Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5279 by Senators Holmquist Newbry and King

AN ACT Relating to defining recovery for purposes of legal actions under the industrial insurance statutes; and amending RCW 51.24.030.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 5280 by Senators Holmquist Newbry, King, Hewitt, Hill, Stevens, Honeyford, Baumgartner and Parlette

AN ACT Relating to voluntary settlement agreements under industrial insurance laws; and adding new sections to chapter 51.04 RCW.

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. 5273 which was referred to the Committee on Natural Resources & Marine Waters.

MOTION

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

MOTION

Senator Fraser moved adoption of the following resolution:

SENATE RESOLUTION
8607

By Senators Fraser, Hewitt, Regala, Brown, Kilmer, Parlette, Schoesler, Honeyford, Holmquist Newbry, Baumgartner, Conway, Kohl-Welles, Tom, Eide, Rockefeller, Keiser, and Kastama

WHEREAS, Polly Rosmond is retiring today from the Senate after thirty-one years of faithful service, including nearly three thousand days of session; and

WHEREAS, Polly, a native Washingtonian, was born and raised in Forks where her father and uncles founded the *Rosmond Brothers Sawmill*, long before the town was inhabited by vampires and werewolves; and

WHEREAS, After graduating from high school and leaving the thriving metropolis of Forks, Polly moved to the small hamlet of Seattle to attend the University of Washington, graduating in 1971; and

WHEREAS, After receiving her degree Polly headed for the slopes of Vail, Colorado, to explore life as a semi-professional Ski Bum; and

WHEREAS, She began her career in the Senate in January of 1980 as a secretary for the Energy & Utilities Committee before moving on to the Senate Democratic Caucus staff in November of

1985 and eventually the Secretary of the Senate's office in December of 1998; and

WHEREAS, Over this time Polly has become an indispensable part of Senate operations in both the Secretary's office and Workroom; and

WHEREAS, Polly has professionally and skillfully served seven Secretaries of the Senate, including: Sid Snyder, Gordon Golob, Marty Brown, Mike O'Connell, Tony Cook, Milt Doumit, and Tom Hoemann; and

WHEREAS, Through her work in the Senate for more than three decades, Polly has witnessed and played a part in many significant chapters of Washington's history; and

WHEREAS, After all her hard work Polly has earned the right to sleep in and relax in her new home with her husband Phil; and

WHEREAS, She will be dearly missed by members, coworkers, and friends alike here at the Legislature; and

WHEREAS, In an effort to save her coworkers money on gifts, cake, and cards Polly also arranged to be born on this day;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor Polly Rosmond for all her work, dedication, and contributions to this institution; and

BE IT FURTHER RESOLVED, That the Senate wish Polly a very Happy Birthday!; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by Polly to herself as her last official duty.

Senators Fraser and Sheldon spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8607.

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

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Phil Smith, husband of Polly Rosmond; sister, Julie Rosmond; and her cousin Kathy who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Honeyford: "Thank you Madam President. Asking for a moment of silent prayer for Bob McCaslin. He's in surgery now. He's having his leg amputated below his knee due to circulation problem due to a broken blood vessel and also for Senator Deccio. He suffered a fall in his home and apparently nothing broken but he hasn't been to the doctor yet. So, I'd like to remember those two members."

MOMENT OF SILENCE

The Senate observed a moment of silence for Senator McCaslin and Senator Deccio.

MOTION

At 10:16 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, January 20, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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