

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 20, 2012

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 Baumgartner, Becker, Benton, Carrell, Delvin, Fain, Haugen, Hill, Kastama, King, Litzow, Murray, Pflug, Prentice, Ranker, Roach, Shin, Swecker, Tom and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Amanda Allison and Stephen Kuamma, presented the Colors.

REMARKS BY THE PRESIDENT

President Owen: "I would note that we do not have a minister today so I suggest that the members do their own reflection today. Thank you...Ladies and gentlemen of the Senate, the President, of course was, I understand it is rare, but he was wrong this morning. We have Senator Morton to give the prayer this morning. Senator Morton."

Senator Morton offered the prayer.

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President. Well I recognize that you had made an error and we simply say, 'To err is human, to forgive divine.'"

REPLY BY THE PRESIDENT

President Owen: "Are you trying to tell me you're divine?"

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 19, 2012

SB 5190 Prime Sponsor, Senator Hobbs: Authorizing persons designated by the decedent to direct disposition, if the decedent died while serving on active duty in any branch of the United States armed forces, United States reserve forces, or national guard. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5190 be substituted therefor, and the substitute bill do pass. Signed by Senators Pridemore, Chair; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

January 19, 2012

SB 5292 Prime Sponsor, Senator Honeyford: Exempting irrigation and drainage ditches from the definition of critical areas. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5292 be substituted therefor, and the second substitute bill do pass. Signed by Senators Pridemore, Chair; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

January 19, 2012

SB 5586 Prime Sponsor, Senator Carrell: Concerning the effect of zoning ordinances on motor vehicle collection and restoration. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5586 be substituted therefor, and the second substitute bill do pass. Signed by Senators Pridemore, Chair; Benton; Chase and Nelson.

Passed to Committee on Rules for second reading.

January 18, 2012

SB 5997 Prime Sponsor, Senator Hargrove: Regarding the Olympic natural resources center. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That Substitute Senate Bill No. 5997 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Delvin; Morton; Fraser and Hargrove.

Passed to Committee on Rules for second reading.

January 18, 2012

SB 6021 Prime Sponsor, Senator Haugen: Regulating air rescue or evacuation services. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6021 be substituted therefor, and the substitute bill do pass. Signed by Senators Hobbs, Chair; Benton; Fain; Haugen; Keiser and Litzow.

Passed to Committee on Rules for second reading.

January 18, 2012

SB 6078 Prime Sponsor, Senator Ranker: Implementing efficiencies in the management of the state's natural resources. Reported by Committee on Energy, Natural Resources & Marine Waters

MAJORITY recommendation: That Substitute Senate Bill No. 6078 be substituted therefor, and the substitute bill do pass. Signed by Senators Ranker, Chair; Delvin; Morton; Fraser and Hargrove.

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 19, 2012

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.

RYAN DURKAN, appointed December 14, 2011, for the term ending September 30, 2017, as Member, Board of Regents, Washington State University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education & Workforce Development.

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 6388 by Senators Morton, Benton, Schoesler, Honeyford, Parlette and Ericksen

AN ACT Relating to eliminating the course of instruction and employer skills and training certification requirements for commercial driver's license applicants; and amending RCW 46.25.060.

Referred to Committee on Transportation.

SB 6389 by Senators Hargrove, Harper, Regala and Shin

AN ACT Relating to crime victims' services; amending RCW 46.63.110; adding a new section to chapter 43.280 RCW; creating a new section; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6390 by Senators Pridemore, Hill, Harper, Litzow, Kastama, Baumgartner, Kohl-Welles, Shin, McAuliffe, Chase, Becker and Rolfes

AN ACT Relating to creating higher education student auditing committees; adding a new section to chapter 28B.15 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Higher Education & Workforce Development.

SB 6391 by Senators Keiser and Shin

AN ACT Relating to a study and report concerning direct practices that the office of the insurance commissioner must provide to the legislature; and repealing RCW 48.150.120.

Referred to Committee on Health & Long-Term Care.

SB 6392 by Senators Ranker, Kohl-Welles, Conway and Shin

AN ACT Relating to a farm internship program; reenacting and amending RCW 49.46.010; adding a new section to chapter 49.12 RCW; adding a new section to chapter 51.16 RCW; adding a new section to chapter 50.04 RCW; and providing an expiration date.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6393 by Senators Nelson, Honeyford, Ericksen and Chase

AN ACT Relating to changing the numeric limit for bacterial contamination for industrial storm water permittees with discharges to water bodies listed as impaired to a narrative limit; amending RCW 90.48.555; and providing an expiration date.

Referred to Committee on Environment.

SB 6394 by Senator Keiser

AN ACT Relating to requiring transparency for patients regarding training and qualifications of health care professionals; adding new sections to chapter 18.130 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 6395 by Senator Keiser

AN ACT Relating to authorizing physician assistants to perform ophthalmic-related services under employment or supervision by a medical doctor or an osteopathic physician; and amending RCW 18.71A.060.

Referred to Committee on Health & Long-Term Care.

SB 6396 by Senators Ranker and Delvin

AN ACT Relating to modifying the energy independence act; amending RCW 19.285.030, 19.285.040, 43.325.040, and 43.333.020; reenacting and amending RCW 43.325.040; adding new sections to chapter 19.285 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6397 by Senators Kohl-Welles, Chase, Rolfes, Conway, Keiser, Nelson, Kline and Shin

TWELFTH DAY, JANUARY 20, 2012

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AN ACT Relating to protecting workers and other community members from pesticide drift; amending RCW 49.70.020, 49.70.110, and 70.104.030; adding new sections to chapter 49.70 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6398 by Senators Ranker and Frockt

AN ACT Relating to energy efficient buildings; amending RCW 19.27A.140, 19.27A.150, and 43.330.360; adding a new section to chapter 19.27A RCW; adding a new section to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6399 by Senators Frockt, Tom and Shin

AN ACT Relating to program fees at institutions of higher education; amending RCW 28B.15.067; and reenacting and amending RCW 28B.15.031.

Referred to Committee on Higher Education & Workforce Development.

SB 6400 by Senators Delvin, Morton, Schoesler, Honeyford, Carrell, Hewitt and Holmquist Newbry

AN ACT Relating to the energy independence act; amending RCW 19.285.030 and 19.285.040; and creating a new section.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6401 by Senators Tom, Hill, Kilmer, Becker and Shin

AN ACT Relating to creating efficiencies for institutions of higher education; amending RCW 43.19.1906, 43.88.160, and 41.04.240; and reenacting and amending RCW 39.29.011 and 41.06.133.

Referred to Committee on Higher Education & Workforce Development.

SB 6402 by Senators Tom, Hill and Becker

AN ACT Relating to eliminating the workforce training and education coordinating board; amending RCW 18.16.050, 18.79.202, 18.106.030, 18.106.040, 18.106.070, 18.260.110, 19.28.161, 19.28.191, 24.50.010, 28A.175.035, 28A.175.075, 28A.175.115, 28A.175.130, 28A.230.125, 28A.245.030, 28A.300.515, 28A.600.280, 28A.655.065, 28A.700.020, 28A.700.060, 28A.700.080, 28B.04.080, 28B.15.545, 28B.30.530, 28B.50.254, 28B.50.273, 28B.50.274, 28B.50.902, 28B.76.210, 28B.76.230, 28B.76.670, 28B.85.020, 28B.97.010, 28B.120.020, 28B.145.060, 28C.04.400, 28C.04.530, 28C.04.535, 28C.04.540, 28C.04.545, 28C.10.020, 28C.10.040, 28C.18.050, 28C.18.060, 28C.18.134, 28C.18.136, 28C.18.140, 28C.18.150, 28C.18.160, 28C.18.162,

28C.18.164, 28C.18.166, 28C.18.168, 28C.18.170, 43.20.275, 43.41.400, 43.60A.151, 43.162.010, 43.162.020, 43.330.090, 43.330.145, 43.330.310, 43.330.375, 49.04.190, 50.22.005, 50.38.030, 50.38.050, and 74.08A.280; reenacting and amending RCW 28A.230.100, 28A.650.015, 28B.50.030, 43.21J.030, 43.330.280, and 49.04.010; adding a new section to chapter 28C.04 RCW; adding a new section to chapter 28B.77 RCW; adding new sections to chapter 43.330 RCW; adding a new section to chapter 50.12 RCW; creating new sections; recodifying RCW 28C.18.060, 28C.18.130, 28C.18.140, 28C.18.150, 28C.18.170, and 28C.18.050; decodifying RCW 28C.18.900; repealing RCW 28A.300.220, 28B.50.096, 28C.18.005, 28C.18.010, 28C.18.020, 28C.18.030, 28C.18.040, 28C.18.070, 28C.18.080, 28C.18.090, 28C.18.100, 28C.18.110, 28C.18.120, 28C.18.132, and 50.12.245; providing an effective date; and providing expiration dates.

Referred to Committee on Higher Education & Workforce Development.

SB 6403 by Senator Regala

AN ACT Relating to removing financial barriers to persons seeking vulnerable adult protection orders; and adding a new section to chapter 74.34 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6404 by Senators Hobbs, Hatfield, Rolfes and Frockt

AN ACT Relating to authorizing the establishment and use of veterans' courts; amending RCW 2.28.190; and adding a new section to chapter 2.28 RCW.

Referred to Committee on Judiciary.

SB 6405 by Senators Hargrove and Frockt

AN ACT Relating to the Washington service corps; amending RCW 50.65.010, 50.65.020, 50.65.030, 50.65.040, 50.65.050, 50.65.060, and 50.65.065; adding new sections to chapter 43.17 RCW; adding a new section to chapter 50.65 RCW; and creating a new section.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6406 by Senators Hargrove, Hobbs, Delvin, Hatfield, Tom, Stevens, Regala, Morton, Ranker and Shin

AN ACT Relating to modifying programs that provide for the protection of the state's natural resources; amending RCW 77.55.021, 77.15.300, 77.55.151, 77.55.231, 76.09.040, 76.09.050, 76.09.150, 76.09.065, 76.09.460, 76.09.470, 76.09.030, 43.21C.170, 43.21C.110, 43.21C.229, 43.21C.031, 36.70A.280, 43.21C.010, 43.21C.030, 43.21C.033, 43.21C.036, 43.21C.0382, 43.21C.0383, 43.21C.0384, 43.21C.060, 43.21C.120, 43.21C.130, 43.21C.135, 43.21C.240, and 43.21C.300; reenacting and amending RCW 77.55.011, 76.09.060, and 76.09.020; adding new sections to chapter 77.55 RCW; adding a new section to chapter 76.09 RCW; adding a new section to chapter 43.30 RCW; adding new sections to chapter 43.21C RCW; adding a new section to chapter 36.70B RCW; creating new sections;

decodifying RCW 43.21C.910, 43.21C.911, 43.21C.912, 43.21C.913, and 43.21C.914; repealing RCW 77.55.291, 36.70B.110, 43.21C.175, 43.21C.160, and 43.21C.040; prescribing penalties; providing contingent effective dates; and providing expiration dates.

Referred to Committee on Energy, Natural Resources & Marine Waters.

SB 6407 by Senators Carrell, Regala and Kline

AN ACT Relating to transitional reentry housing through the department of corrections; amending RCW 9.94A.729 and 59.18.040; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Human Services & Corrections.

SB 6408 by Senators Benton, Carrell and Honeyford

AN ACT Relating to aggravated first degree murder; amending RCW 10.95.020; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6409 by Senators Benton, Prentice and Morton

AN ACT Relating to safety rest areas; amending RCW 47.12.125 and 47.12.244; adding new sections to chapter 47.38 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6410 by Senators Benton and Prentice

AN ACT Relating to restrictions on the collection of sales tax by transportation benefit districts; amending RCW 82.14.045; adding a new section to chapter 82.14 RCW; and prescribing penalties.

Referred to Committee on Transportation.

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. 6403 which was referred to the Committee on Health & Long-Term Care.

MOTION

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

MOTION

Senator Padden moved adoption of the following resolution:

SENATE RESOLUTION
8668

By Senators Padden and Brown

WHEREAS, The Spokane Valley and all of Eastern Washington are proud of the sports teams that represent the area with pride and honor; and

WHEREAS, We recognize the dedication and perseverance required to be a successful junior athlete; and

WHEREAS, The Spokane Valley Bengals football team has made Eastern Washington especially proud with their achievements; and

WHEREAS, The Bengals football team is a powerhouse group of eighteen boys aged seven to nine; and

WHEREAS, The Bengals were just one of eight elite "Mighty Mite" teams chosen by Pop Warner scouts from across the nation to play in the National Championship; and

WHEREAS, The Bengals became the National Champions by beating the New York Irondequoit Eagles by a score of 28-6; and

WHEREAS, The Bengals were led to victory while playing at the ESPN Wide World of Sports Complex in Orlando, Florida by head coach Ryan Anstrom, manager Jennifer Anstrom, and assistants Matt Schneider, Todd Carlson, Abel Delarosa, and Collin Anderson; and

WHEREAS, The Bengals held just a one-point lead over the Irondequoit Eagles with five minutes left to play; and

WHEREAS, In the remaining five minutes of play, the Bengals proved their talents yet again by scoring an additional 21 points to defeat the opposing team; and

WHEREAS, The team members were Jacob Abshire, Shay Albrecht, Jaxon Anderson, Kyler Anstrom, Chad Carlson, A.J. Delarosa, Bryden Dodson, Travis Hood, Hunter Hottman, Conner Hunnel, Taylor Jennings, Damonte McQueen, Trent Nauta, Jack Schneider, Nicholas Toole, Sawyer Tracht, Bailey Wilson, and Ariel Zilar; and

WHEREAS, The teams earned this trip by finishing their 2011 season undefeated with a season total of 280 points scored; and

WHEREAS, The Bengals exemplified the excellence in athletics and determination for success that Spokane Valley and all of Eastern Washington hold in high regard; and

WHEREAS, The Bengals have proven that the success and distinction of the Spokane area sports team knows no age;

NOW, THEREFORE, BE IT RESOLVED, That it is with great respect that the Washington State Senate honor the accomplishments and excellence exemplified by the 2011 Spokane Valley Bengals football team for winning the National Championship title; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the coaches and players of the Spokane Valley Bengals.

Senators Padden and Brown spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8668.

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

MOTION

At 10:20 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, January 23, 2012.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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