

**THIRTY NINTH DAY**

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NOON SESSION

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Senate Chamber, Olympia, Thursday, February 18, 2010

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

MOTION

On motion of Senator McDermott, 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 17, 2010

SHB 2443 Prime Sponsor, Committee on Health Care & Wellness: Conforming the uniform controlled substances act to existing state and federal law. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Marr and Parlette.

Passed to Committee on Rules for second reading.

February 17, 2010

HB 2492 Prime Sponsor, Representative Simpson: Addressing shared leave for members of the law enforcement officers' and firefighters' retirement system, plan 2. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Carrell; Fairley; Hobbs; Honeyford; Keiser; Kline; McDermott; Oemig; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

February 17, 2010

HB 2521 Prime Sponsor, Representative Driscoll: Addressing conversion rights upon termination of eligibility for health plan coverage. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Marr and Parlette.

Passed to Committee on Rules for second reading.

February 17, 2010

HB 2540 Prime Sponsor, Representative Cody: Concerning the practice of dentistry. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Marr and Parlette.

Passed to Committee on Rules for second reading.

February 17, 2010

SHB 2620 Prime Sponsor, Committee on Finance: Concerning excise taxation of certain products and services provided or furnished electronically. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Carrell; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

February 17, 2010

SHB 2758 Prime Sponsor, Committee on Finance: Documenting wholesale sales for excise tax purposes. (REVISED FOR ENGROSSED: ) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Carrell; Fairley; Hobbs; Honeyford; Keiser; Kohl-Welles; McDermott; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

February 17, 2010

HB 2858 Prime Sponsor, Representative Appleton: Regarding the purchasing authority of institutions of higher education. Reported by Committee on Higher Education & Workforce Development

MAJORITY recommendation: Do pass. Signed by Senators Kilmer, Chair; Kastama, Vice Chair; Becker; Hewitt; McAuliffe; Pflug; Shin; Stevens and Tom.

Passed to Committee on Rules for second reading.

February 17, 2010

HB 2877 Prime Sponsor, Representative Moeller: Authorizing payment of regulated company stock in lieu of a portion of salary for educational employees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Zarelli; Carrell; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Parlette; Pflug; Pridemore; Regala; Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

February 17, 2010

HB 2898 Prime Sponsor, Representative Morrell:  
Simplifying medicaid payment for nursing facilities. Reported  
by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by  
Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget  
Chair; Tom, Vice Chair, Operating Budget; Zarelli; Carrell;  
Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles;  
McDermott; Oemig; Parlette; Pridemore; Regala;  
Rockefeller and Schoesler.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator McDermott, all measures listed on the  
Standing Committee report were referred to the committees as  
designated.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 6859 by Senator Prentice

AN ACT Relating to fiscal matters.

Referred to Committee on Ways & Means.

SB 6860 by Senator Prentice

AN ACT Relating to fiscal matters.

Referred to Committee on Ways & Means.

SB 6861 by Senator Prentice

AN ACT Relating to education.

Referred to Committee on Ways & Means.

SB 6862 by Senator Prentice

AN ACT Relating to education.

Referred to Committee on Ways & Means.

SB 6863 by Senator Prentice

AN ACT Relating to criminal justice.

Referred to Committee on Ways & Means.

SB 6864 by Senator Prentice

AN ACT Relating to criminal justice.

Referred to Committee on Ways & Means.

SB 6865 by Senator Prentice

AN ACT Relating to public employee health benefits.

Referred to Committee on Ways & Means.

SB 6866 by Senator Prentice

AN ACT Relating to financing public infrastructure.

Referred to Committee on Ways & Means.

SB 6867 by Senator Tom

AN ACT Relating to state printing; amending RCW  
1.08.039, 28A.300.040, 28B.10.029, 40.04.090, 40.06.030,  
41.06.142, and 43.08.061; reenacting and amending RCW  
41.06.070; creating new sections; repealing RCW 43.78.010,  
43.78.020, 43.78.030, 43.78.040, 43.78.050, 43.78.070,  
43.78.080, 43.78.090, 43.78.100, 43.78.105, 43.78.110,  
43.78.170, 15.24.085, 15.62.190, 16.67.170, 40.04.030, and  
40.07.050; and providing an effective date.

Referred to Committee on Ways & Means.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2424 by House Committee on Public Safety &  
Emergency Preparedness (originally sponsored by  
Representatives O'Brien, Pearson, Hurst, Takko, Herrera,  
Chandler, Ross, Rodne, Dammeier, Condotta, Shea, Klippert,  
Smith, Walsh, Parker, McCune, Campbell, Johnson, Eddy,  
Morrell, Kelley, Short, Sullivan, Conway, Kagi, Roach,  
Kristiansen, Bailey, Haler, Schmick, Ericks, Warnick, Ormsby,  
Moeller and Hope)

AN ACT Relating to protecting children from sexual  
exploitation and abuse; amending RCW 9.68.001,  
9.68A.110, 9.68A.011, 9.68A.050, 9.68A.060, and  
9.68A.070; reenacting and amending RCW 9.94A.515;  
adding a new section to chapter 9.68A RCW; and prescribing  
penalties.

Referred to Committee on Judiciary.

HB 2701 by Representative Taylor

AN ACT Relating to the time of commencement of regular  
legislative sessions; and amending RCW 44.04.010.

Referred to Committee on Government Operations &  
Elections.

ESHB 2752 by House Committee on Early Learning &  
Children's Services (originally sponsored by Representatives  
Dickerson, Orwall, Walsh, Goodman, Kagi, Roberts, Pedersen,  
Green, Santos and Nelson)

AN ACT Relating to the safety of runaway youth; amending  
RCW 13.32A.082; and creating a new section.

Referred to Committee on Human Services & Corrections.

HB 2823 by Representatives Kristiansen, Armstrong,  
Blake and Kelley

AN ACT Relating to permitting retired participants to resume  
volunteer firefighter, emergency worker, or reserve officer  
service; amending RCW 41.24.010; and adding a new section  
to chapter 41.24 RCW.

Referred to Committee on Ways & Means.

2SHB 2882 by House Committee on Ways & Means (originally sponsored by Representatives Klippert, Green, Dammeier, Dickerson, Kelley, Wallace and McCune)

AN ACT Relating to detaining persons with mental disorders; amending RCW 70.96B.045, 71.05.050, and 71.05.153; creating new sections; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

2ESHB 2912 by House Committee on Finance (originally sponsored by Representatives Quall, Carlyle, O'Brien, Ericks, Dunshee, Sullivan, Blake, Jacks, Hunter and Maxwell)

AN ACT Relating to modifying local excise taxes in counties that have pledged lodging tax revenues for the payment of bonds prior to June 26, 1975; amending RCW 67.28.180, 82.14.0485, 82.14.049, 82.14.0494, 82.14.360, 36.38.010, and 36.100.220; adding a new section to chapter 67.28 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

ESHB 2925 by House Committee on Ways & Means (originally sponsored by Representatives Kretz, Short and Condotta)

AN ACT Relating to impact payments of a municipally owned hydroelectric facility; amending RCW 35.21.420 and 35.21.425; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

HB 2989 by Representatives Moeller and Cody

AN ACT Relating to respiratory care practitioners; and amending RCW 18.89.020 and 18.89.040.

Referred to Committee on Health & Long-Term Care.

ESHB 3040 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Wood, Appleton, Rolfes, Sells, Sullivan and Finn)

AN ACT Relating to the licensing of appraisal management companies; reenacting and amending RCW 18.235.020; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Labor, Commerce & Consumer Protection.

EHB 3168 by Representatives Orcutt and McCune

AN ACT Relating to providing taxpayers additional appeal protections for value changes; amending RCW 84.40.038; and creating a new section.

Referred to Committee on Government Operations & Elections.

ESHB 3179 by House Committee on Finance (originally sponsored by Representatives Springer and Ericks)

AN ACT Relating to local excise tax provisions for counties and cities; amending RCW 82.14.450, 82.14.460, 82.14.340, 82.12.010, 82.14.230, and 9.46.113; and repealing 2009 c 551 s 12 (uncodified).

Referred to Committee on Ways & Means.

MOTION

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

MOTION

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

MOTION

Senator Fraser moved adoption of the following resolution:

SENATE RESOLUTION

8699

By Senators Fraser, Jacobsen, Swecker, Haugen, Becker, Hargrove, Sheldon, and Carrell

WHEREAS, Intercity Transit which serves Olympia, Lacey, Tumwater, Yelm, and Thurston County, received the American Public Transportation Association's highest honor in 2009, being honored as the best transportation system in the nation for its size community; and

WHEREAS, Intercity Transit was also honored by The Federal Transit Administration in 2009 with its "Success in Enhancing Transit Ridership Award"; and

WHEREAS, Intercity Transit's employee training has won national recognition and has resulted in a well-trained, customer service-oriented workforce; and

WHEREAS, Intercity Transit provides high quality Dial-A-Lift service for persons with disabilities that exceeds the requirements of the Americans with Disabilities Act, providing over 150,000 trips per year; and

WHEREAS, Intercity Transit operates over 185 vanpools which take over 1,000 vehicles per day off the state's busiest highways; and

WHEREAS, Intercity Transit coordinates services with Pierce Transit, Mason County Transit, Grays Harbor Transit, Sound Transit, and Amtrak to provide regional access to its citizens; and

WHEREAS, 80 percent of all Intercity Transit riders use transit to get to work, school, shopping, or personal business - directly supporting the economy; and

WHEREAS, 5 million trips were taken on Intercity Transit services in 2009; and

WHEREAS, Intercity Transit's 30 million dollar operating budget contributes to the economy by providing 288 jobs, with a multiplier effect of 1,230 additional jobs, and its 12 million dollar capital investment work creates an additional 492 jobs; and

WHEREAS, Intercity Transit's creativity is shown in many ways, including bicycle commuter contests, travel training, youth

programs, and Village Vans bus driver employment training and programs; and

WHEREAS, Intercity Transit showed great leadership and environmental stewardship in being one of the first transit systems in the United States to use biodiesel to fuel its entire transit fleet, reducing air pollution, gas consumption, and harmful emissions;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Intercity Transit's national recognitions and celebrate its continued service to the people of the State of Washington and its dedication to the protection of our environment, and its well-trained, highly motivated, customer-focused, community-minded employees committed to the quality of life of Washingtonians.

Senator Fraser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8699.

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

#### MOTION

Senator Kohl-Welles moved adoption of the following resolution:

#### SENATE RESOLUTION 8700

By Senators Kohl-Welles, Pridemore, Berkey, Kline, McAuliffe, Delvin, Parlette, Ranker, Keiser, Honeyford, Hobbs, Oemig, Prentice, Fraser, Franklin, Eide, and Shin

WHEREAS, People of all ethnic and cultural heritage live in Washington State, sharing their traditions, histories, and cultures with the citizens of our state; and

WHEREAS, The State of Washington recognizes the great cultural contributions made by the many generations and individuals of Norwegian descent residing in our state, particularly in Ballard; and

WHEREAS, Since 1889, the greater Seattle area and beyond have joined in celebrating Norway's Constitution Day on the 17th of May by hosting a 17th of May, or "Syttende Mai," Festival and parade in Ballard to honor the day in 1814 when Norway declared its independence by signing its Constitution; and

WHEREAS, The Ballard May 17th parade is one of the largest ethnic parades in the United States and the largest May 17th Parade outside of Oslo, Norway; and

WHEREAS, On the 17th of May the Ballard community will join together to participate in a wide range of cultural festivities and events in celebration of all that is Norwegian;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Norway's National Day, May 17, 2010, and encourage all citizens of Washington state to join in celebrating the culture and heritage of Norway; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Norwegian 17th of May Committee and to the Nordic Heritage Museum.

Senator Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8700.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

#### MOTION

Senator Kohl-Welles moved adoption of the following resolution:

#### SENATE RESOLUTION 8701

By Senators Kohl-Welles, Kline, Ranker, McAuliffe, Delvin, Keiser, McDermott, Regala, Brandland, Honeyford, Hobbs, Prentice, Franklin, Eide, Shin, Holmquist, Haugen, and Fraser

WHEREAS, The Washington state commercial fishing fleet begins leaving in March for the Pacific and Alaskan waters, and the Blessing of the Fleet will occur March 14, 2010, at Fisherman's Terminal in Ballard; and

WHEREAS, This is the 82nd year that the Ballard First Lutheran Church has held the blessing; and

WHEREAS, The Washington state commercial fishing fleet begins leaving Blaine waters in May, and the Blessing of the Fleet will occur at Saw Tooth Dock in Blaine Harbor, May 2, 2010; and

WHEREAS, The Washington state commercial fishing fleet is one of the world's largest distant water fleets; and

WHEREAS, The commercial fishing industry directly and indirectly employs thousands of people and is one of the largest industries in Washington state; and

WHEREAS, The harvest annually contributes significantly to the Washington state economy; and

WHEREAS, The life of a fisher is fraught with danger and hardship that most people will never face; and

WHEREAS, Strength and courage are requirements for anyone who chooses to work on the sea, braving the elements in order to harvest the ocean's resources; and

WHEREAS, The men and women who work on fishing boats, at times in dangerous circumstances, deserve our admiration, thanks, and, when tragedy strikes, our remembrance; and

WHEREAS, Too often fishers lose their lives, devastating not only the close-knit community of fishing families in our region, but also our entire state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate extend its condolences to the families and friends of all our fishers who have lost their lives at sea, wish the entire commercial fishing fleet a safe and prosperous season, and express its hope that all of our fishers will return home safely to their families, friends, and communities.

Senator Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8701.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Mike Harbour, General Manager of Intercity Transit, who was seated in the gallery.

#### MOTION

Senator Kohl-Welles moved adoption of the following resolution:

#### SENATE RESOLUTION 8702

THIRTY NINTH DAY, FEBRUARY 18, 2010

By Senators Kohl-Welles, Delvin, Kline, Keiser, Regala, Parlette, Prentice, Holmquist, Murray, Pridemore, McDermott, Hobbs, Ranker, Tom, and Shin

WHEREAS, Pets provide companionship to more than 71 million households in the United States; and

WHEREAS, In the United States of America approximately five million cats and dogs are euthanized each year, although many of them are healthy and adoptable; and

WHEREAS, Washington state animal shelters and humane societies euthanize approximately sixty thousand cats and dogs each year, many of whom are healthy and adoptable, due to a lack of critical resources, public awareness, and availability of good homes; and

WHEREAS, Over 56 percent of dogs and puppies entering shelters are euthanized, based on reports from over 1,055 facilities across America; and

WHEREAS, Over 70 percent of cats and kittens entering shelters are euthanized, based on reports from over 1,055 facilities across America; and

WHEREAS, This tragic overpopulation of pets costs citizens and taxpayers of this country tens of millions of dollars annually through animal service and control programs aimed at coping with the millions of homeless animals; and

WHEREAS, There are an estimated 1.5 million unaltered cats and dogs currently in Washington state; and

WHEREAS, Spaying and neutering has been shown to dramatically reduce the overpopulation of pets and feral cats, proving to be a wise investment in saving animal lives and taxpayer dollars; and

WHEREAS, There are several organizations in Washington currently providing to the public low cost spay and neuter programs; and

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WHEREAS, Veterinarians, national and local animal protection organizations, and private citizens have joined together again to advocate the spaying and neutering of pets and feral cats on "Spay Day 2010";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor those persons and organizations participating in "Spay Day 2010" to assist in reducing overpopulation of pets and feral cats.

Senator Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8702.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed Dan Paul, Washington State Director, The Humane Society of the U. S. who was seated in the gallery.

#### MOTION

At 12:14 p.m., on motion of Senator McDermott, the Senate adjourned until 10:00 a.m. Friday, February 19, 2010.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

2424-S	Introduction & 1 <sup>st</sup> Reading .....	2	Introduction & 1 <sup>st</sup> Reading.....	3
2443-S	Committee Report .....	1	3179-S	Introduction & 1 <sup>st</sup> Reading.....
2492	Committee Report .....	1	6859	Introduction & 1 <sup>st</sup> Reading.....
2521	Committee Report .....	1	6860	Introduction & 1 <sup>st</sup> Reading.....
2540	Committee Report .....	1	6861	Introduction & 1 <sup>st</sup> Reading.....
2620-S	Committee Report .....	1	6862	Introduction & 1 <sup>st</sup> Reading.....
2701	Introduction & 1 <sup>st</sup> Reading .....	2	6863	Introduction & 1 <sup>st</sup> Reading.....
2752-S	Introduction & 1 <sup>st</sup> Reading .....	2	6864	Introduction & 1 <sup>st</sup> Reading.....
2758-S	Committee Report .....	1	6865	Introduction & 1 <sup>st</sup> Reading.....
2823	Introduction & 1 <sup>st</sup> Reading .....	3	6866	Introduction & 1 <sup>st</sup> Reading.....
2858	Committee Report .....	1	6867	Introduction & 1 <sup>st</sup> Reading.....
2877	Committee Report .....	1	8699	Adopted.....
2882-S2	Introduction & 1 <sup>st</sup> Reading .....	3		Introduced.....
2898	Committee Report .....	2	8700	Adopted.....
2912-S	Introduction & 1 <sup>st</sup> Reading .....	3		Introduced.....
2925-S	Introduction & 1 <sup>st</sup> Reading .....	3	8701	Adopted.....
2989	Introduction & 1 <sup>st</sup> Reading .....	3		Introduced.....
3040-S	Introduction & 1 <sup>st</sup> Reading .....	3	8702	Adopted.....
3168				Introduced.....
			PRESIDENT OF THE SENATE	
			Intro. Special Guest, Dan Paul, Humane Society .....	5
			Intro. Special Guest, Mike Harbour, General Manager of	
			Intercity Transit .....	5