

SIXTY FIRST LEGISLATURE - SECOND SPECIAL SESSION

FIRST DAY

House Chamber, Olympia, Saturday, December 11, 2010

The House was called to order at 9:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

PROCLAMATION FROM THE GOVERNOR

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2010 regular session on March 11, 2010, the 60th day of the session; and

WHEREAS, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, I convened the Washington State Legislature in Special Session in the Capitol at Olympia on Monday, March 15, 2010, for the purpose of enacting legislation with respect to biennial operating and capital budgets and bills necessary to implement those budgets; and

WHEREAS, the Washington State Legislature enacted legislation with respect to biennial operating and capital budgets and bills necessary to implement those budgets and the 2010 1st Special Session adjourned on April 12, 2010; and

WHEREAS, after the adjournment of the 2010 1st Special Session, the Economic and Revenue Forecast Council adopted a September 2010 official state economic and revenue forecast that reduced the revenue forecasted to be collected in the 2009-11 biennium due to a slowdown in economic activity; and

WHEREAS, on September 13, 2010, I signed Executive Order 10-04 "Ordering Expenditure Reductions in Allotments of State General Fund Appropriations" instituting across the board reductions of allotments of appropriations to avoid a projected cash deficit at the end of the fiscal period; and

WHEREAS, the Economic and Revenue Forecast Council has adopted a November 2010 official state economic and revenue forecast that has further lowered the revenue forecasted to be collected this biennium due to slower than anticipated economic recovery and as a result of the adoption of Initiative 1107; and

WHEREAS, legislative action is needed to avoid a deficit in the State General Fund at the end of the current fiscal period on June 30, 2011; and

WHEREAS, time is of the essence to implement budget reductions and mitigate the severity of impacts of the revenue downturns on programs and benefits that are identified as the highest priorities;

NOW, THEREFORE, I, Christine O. Gregoire, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at

Olympia on Saturday, December 11, 2010, at 9 a.m., for the purpose of enacting legislation to reduce the projected deficit in the State General Fund for the current fiscal period.

CHRISTINE O. GREGOIRE, Governor
December 9, 2010

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 3223 by Representatives Hunter, Orcutt and Liias

AN ACT Relating to establishing a temporary penalty and interest waiver program for certain penalties and interest on delinquent state and local sales and use taxes, state business and occupation taxes, and state public utility taxes; reenacting and amending RCW 82.32.080; adding a new section to chapter 82.32 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 3224 by Representatives Pettigrew and Schmick

AN ACT Relating to the suspension of the child support pass through; amending RCW 26.23.035; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 3225 by Representatives Sullivan and Alexander

AN ACT Relating to fiscal matters; amending RCW 38.52.105, 38.52.106, 41.26.030, 41.32.010, 41.37.010, 41.40.010, and 43.43.120; amending 2010 sp.s. c 37 ss 101, 102, 104, 105, 108, 110, 111, 113, 114, 115, 116, 117, 119, 125, 129, 136, 152, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 214, 221, 223, 301, 302, 303, 304, 305, 306, 307, 308, 309, 311, 501, 502, 513, 603, 604, 605, 606, 607, 608, 609, and 803 (uncodified); amending 2009 c 564 s 110 (uncodified); and declaring an emergency.

Referred to Committee on Ways & Means.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

The House was called to order at 1:00 p.m. by the Speaker (Representative Morris presiding)

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Albert H. Thompson IV and Raymond Shoop. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Dave Quall, 40th District.

SPEAKER'S PRIVILEGE

The Speaker (Representative Morris presiding) introduced three new members of the House, Representative Katrina Asay, Representative Joe Fitzgibbon and Representative Luis Moscoso and asked the chamber to acknowledge them.

REPORTS OF STANDING COMMITTEES

December 11, 2010

25 Prime Sponsor, Representative Sullivan: Making 2009-2011 supplemental operating appropriations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Darneille; Haigh; Hinkle; Kagi; Kenney; Kessler; Pettigrew; Ross; Schmick and Seaquist.

There being no objection, HOUSE BILL NO. 3225 listed on the day's committee report under the fifth order of business was placed on the second reading calendar.

SECOND READING

HOUSE BILL NO. 3225, by Representatives Sullivan and Alexander

Making 2009-2011 supplemental operating appropriations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan, Alexander, Hunter, Bailey, Springer, Dammeier, Hasegawa, Walsh and Ross spoke in favor of the passage of the bill.

Representative Williams spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 3225.

MOTION

On motion of Representative Van De Wege, Representatives Flannigan, Hudgins, Hunt, Lias, Sells and Wood were excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3225, and the bill passed the House by the following vote: Yeas, 86; Nays, 6; Absent, 0; Excused, 6.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Asay, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Erickson, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen,

Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Probst, Quall, Roach, Roberts, Rodne, Ross, Santos, Schmick, Seaquist, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White and Mr. Speaker.

Voting nay: Representatives Anderson, Hope, Morrell, Rolfes, Simpson and Williams.

Excused: Representatives Flannigan, Hudgins, Hunt, Lias, Sells and Wood.

HOUSE BILL NO. 3225, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

December 11, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 6892 and the same is herewith transmitted.

Thomas Hoemann, Secretary

December 11, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 6893 and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, SUBSTITUTE SENATE BILL NO. 6892 and SUBSTITUTE SENATE BILL NO. 6893 were read the first time, and under suspension of the rules were placed on the second reading calendar.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6892, by Senator Murray, by request of Department of Revenue

Establishing a temporary penalty and interest waiver program for certain excise taxes administered by the department of revenue.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter and Orcutt spoke in favor of the passage of the bill.

COLLOQUY

Representative Orcutt: "There are concerns that a taxpayer reaching a settlement with the Department of Revenue as part of this penalty and interest waiver program will allow any terms of a settlement to be used as future precedent for other taxpayers. Will the terms of any settlement reached during this program apply to other taxpayers in the future?"

Representative Hunter: "No, it will not."

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6892.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6892, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericksen, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Moscoso, Nealey, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams and Mr. Speaker.

Excused: Representatives Flannigan, Hudgins, Hunt, Sells and Wood.

SUBSTITUTE SENATE BILL NO. 6892, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6893, by Senator Murray

Suspending the child support pass through payment.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pettigrew and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6893.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6893, and the bill passed the House by the following vote: Yeas, 86; Nays, 7; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Eddy, Ericksen, Fagan, Finn, Fitzgibbon, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hunter, Hurst, Jacks, Johnson, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White and Mr. Speaker.

Voting nay: Representatives Chase, Dickerson, Dunshee, Kagi, Morrell, Roberts and Williams.

Excused: Representatives Flannigan, Hudgins, Hunt, Sells and Wood.

SUBSTITUTE SENATE BILL NO. 6893, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

December 11, 2010

Mr. Speaker:

The Senate has adopted SENATE CONCURRENT RESOLUTION NO. 8415 and the same is herewith transmitted.

Thomas Hoemann, Secretary

December 11, 2010

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 3225 and the same is herewith transmitted.

Thomas Hoemann, Secretary

POINT OF PERSONAL PRIVILEGE

Representative Moeller: "Thank you Mr. Speaker. As today's activities are winding down, hopefully, I would like to take a brief moment to thank you personally, Mr. Speaker, as our Speaker Pro-Tem and for the leadership you have shown this body over the last three years. For your fairness and for your good humor. It has been a pleasure to have you at the rostrum, quite honestly, for the entire staffing at the rostrum it has been our honor and I just want to take a moment to thank you for that.

Speaker Pro-Tempore Morris: "Whoa, thank you for that. Thank you very much for your kind words Representative Moeller, and soon this will all be yours."

Representative Kessler: "Thank you Mr. Speaker. I know if Speaker Chopp were out here he would like to thank you so much for allowing him to sit in the back of the room while you take care of the floor action. If any of you don't know this, and you probably should, standing up there hour after hour after hour in one spot maintaining the good humor, working well with both sides, I think being very fair I believe you have, you usually hit us as hard as you were hitting the other side. You have done a remarkable job and your stamina up there has been amazing, I know that is not easy, and I know that again, Frank wants to thank you from the bottom of his heart, and so do I. I will miss you but I'm going away. I know you will still be a member of this chamber and you will be sitting there relaxed while the new Speaker Pro Tem's feet are falling off, so thank you for your service up there."

Representative Quall: "Thank you Mr. Speaker. I not only want to acknowledge your fairness and the good tone you set for debate on this floor, but I must share that to my wife Allene, you are her favorite T.V. personality. I might add people talk about fairness, I know how fair he is because he has gaveled me down when I was making a very good point. But again, I want to thank you Representative Morris for your friendship. I get a paycheck today, I want to thank you for your friendship and being a colleague of mine, thank you very much."

Representative Hinkle: Thank you Mr. Speaker. I too would like to join my colleagues in congratulating you and thanking you for your good service and also for the scariest moment I ever had on the House Floor. You called me to the rostrum one day when

everyone was retiring and I thought you were making an announcement I didn't know about yet, that maybe you had talked to my wife or something. Your good humor has been fun and I have to admit to some of us, it has been fun to watch the Speaker up there as the debate goes on, and to watch the faces that they make. Now he tries to play poker pretty hard, but once in a while we were able to break him down completely, like we did just now. It's a tough job and you did it well, with dignity and fairness, and to us that is very important. I really appreciate that you were very accessible and when we wanted to storm the rostrum, you looked a little nervous sometimes, but you were very accepting and approachable. We look forward to working with you more this coming session, thank you."

Mr. Speaker: Thank you Mr. Speaker for recognizing me from the back of the chamber. I am speaking on behalf of Representative Kirby and myself, thank you for the wonderful job you have done for all of us, you are tremendous not only for this house, this institution, but for the entire people of the State of Washington who we represent. From the bottom of my heart I really appreciate what you have done, thanks Jeff very much."

Speaker Pro-Tempore Morris: "I don't have a prepared speech but from the bottom of my heart, this is a business of personalities and I've really enjoyed serving all of you up here. Trying to be fair and making the institution run and making sure that we didn't turn into the Taiwan Legislature with fist fights and things being thrown around the chamber. I thought my good seatmate was done getting me all choked up after last session, and the 45th end-of-Quall dinner I had to sit through, I thought I had moved on to acceptance. You have been a great mentor and your comments mean a great deal to me, all of your remarks mean a lot to me. You have all honored me with this position and I look forward to working with you the next two years in a different capacity. Representative Moeller, Speaker Pro-Tem elect, will do an able job and I look forward to hassling him from the floor. Thank you all very much, it has been a pleasure."

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8415 was read the first time, and under suspension of the rules was placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8415

2010 2nd Special Session of the Sixty-First Legislature adjourn SINE DIE.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Concurrent Resolution No. 8415.

SENATE CONCURRENT RESOLUTION NO. 8415 was adopted.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed HOUSE BILL NO. 3225

The Speaker called upon Representative Morris to preside.

MESSAGES FROM THE SENATE

December 11, 2010

Mr. Speaker:

The President has signed HOUSE BILL NO. 3225 and the same are herewith transmitted.

Thomas Hoemann, Secretary

December 11, 2010

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 6892

SUBSTITUTE SENATE BILL NO. 6893

SENATE CONCURRENT RESOLUTION NO. 8415

and the same are herewith transmitted.

Thomas Hoemann, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

SUBSTITUTE SENATE BILL NO. 6892

SUBSTITUTE SENATE BILL NO. 6893

SENATE CONCURRENT RESOLUTION NO. 8415

The Speaker called upon Representative Morris to preside.

MOTION

On motion of Representative Kessler, the reading of the journal of the 1st Day of the 2010 Second Special Session of the Sixty First Legislature was dispensed with and ordered to stand approved.

On motion of Representative Kessler the 2010 Second Special Session of the Sixty First Legislature was adjourned SINE DIE.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

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