

FORTY THIRD DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 22, 2010

The Senate was called to order at 12:00 noon by the Vice President Pro Tempore. 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 18, 2010

E2SHB 1096 Prime Sponsor, Committee on General Government Appropriations: Enhancing small business participation in state purchasing. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Fairley, Chair; Roach; McDermott and Pridemore.

Passed to Committee on Economic Development, Trade & Innovation.

February 18, 2010

2SHB 1761 Prime Sponsor, Committee on State Government & Tribal Affairs: Addressing the ethical use of legislative web sites. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 19, 2010

ESHB 2399 Prime Sponsor, Committee on Ecology & Parks: Prohibiting and prescribing penalties for engaging in, or advertising to engage in, solid waste collection without a solid waste collection certificate. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Holmquist; Marr; Morton; Oemig and Ranker.

Passed to Committee on Rules for second reading.

February 18, 2010

SHB 2403 Prime Sponsor, Committee on State Government & Tribal Affairs: Concerning military leave for public employees. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 18, 2010

HB 2406 Prime Sponsor, Representative Kelley: Concerning the joint legislative audit and review committee. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 19, 2010

ESHB 2414 Prime Sponsor, Committee on Judiciary: Authorizing abatement of nuisances involving criminal street gang activity. Reported by Committee on Judiciary

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell; Gordon; Hargrove; Kohl-Welles and Roach.

Passed to Committee on Government Operations & Elections.

February 19, 2010

HB 2465 Prime Sponsor, Representative Hurst: Concerning breath test instruments approved by the state toxicologist. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell; Gordon; Hargrove; Kohl-Welles and Roach.

Passed to Committee on Rules for second reading.

February 19, 2010

SHB 2466 Prime Sponsor, Committee on Judiciary: Concerning the regulation of ignition interlock devices by the Washington state patrol. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell; Gordon; Hargrove; Kohl-Welles and Roach.

Passed to Committee on Rules for second reading.

February 18, 2010

HB 2490 Prime Sponsor, Representative Angel: Concerning persons with intellectual disabilities. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Roach; McDermott and Pridemore.

Passed to Committee on Rules for second reading.

February 19, 2010

SHB 2515 Prime Sponsor, Committee on Technology, Energy & Communications: Regarding biodiesel fuel labeling requirements. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Holmquist; Marr; Morton; Oemig and Ranker.

Passed to Committee on Rules for second reading.

February 18, 2010

SHB 2525 Prime Sponsor, Committee on Community & Economic Development & Trade: Concerning public facilities districts created by at least two city or county legislative authorities. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Fairley, Chair; Roach; McDermott and Pridemore.

Passed to Committee on Economic Development, Trade & Innovation.

February 18, 2010

ESHB 2538 Prime Sponsor, Committee on Ecology & Parks: Regarding high-density urban development. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Fairley, Chair; Roach; McDermott and Pridemore.

Passed to Committee on Environment, Water & Energy.

February 19, 2010

SHB 2657 Prime Sponsor, Committee on Judiciary: Addressing the dissolution of limited liability companies. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell; Gordon; Hargrove; Kohl-Welles and Roach.

Passed to Committee on Rules for second reading.

February 19, 2010

SHB 2661 Prime Sponsor, Committee on Technology, Energy & Communications: Regarding the Washington State University extension energy program's plant operations support program. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Holmquist; Marr; Morton; Oemig and Ranker.

Passed to Committee on Rules for second reading.

February 19, 2010

HB 2676 Prime Sponsor, Representative Chase: Extending the pay back period for certain energy conservation loans. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Holmquist; Marr; Morton; Oemig and Ranker.

Passed to Committee on Rules for second reading.

February 19, 2010

HB 2677 Prime Sponsor, Representative Chase: Extending the pay back period for certain water conservation loans. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Holmquist; Marr; Morton; Oemig and Ranker.

Passed to Committee on Rules for second reading.

February 18, 2010

HB 2707 Prime Sponsor, Representative Simpson: Concerning the method of calculating public utility district commissioner compensation. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

February 19, 2010

SHB 2745 Prime Sponsor, Committee on Environmental Health: Concerning compliance with the environmental protection agency's renovation, repair, and painting rule in the lead-based paint program. Reported by Committee on Environment, Water & Energy

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Marr; Oemig and Ranker.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Holmquist and Morton.

Passed to Committee on Rules for second reading.

February 18, 2010

HB 2748 Prime Sponsor, Representative Simpson: Concerning dues paid to the Washington public ports association by port districts. Reported by Committee on Government Operations & Elections

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MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

Northwest Power and Conservation Council. Reported by Committee on Environment, Water & Energy

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Roach.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Delvin; Fraser; Holmquist; Marr; Morton; Oemig and Ranker.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 18, 2010

E2SHB 2793 Prime Sponsor, Committee on Ways & Means: Clarifying and expanding the rights and obligations of state registered domestic partners and other couples related to parentage. Reported by Committee on Government Operations & Elections

MOTION

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

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

MOTION

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

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

February 18, 2010

ESHB 3179 Prime Sponsor, Committee on Finance: Concerning local excise tax provisions for counties and cities. Reported by Committee on Government Operations & Elections

SB 6869 by Senator Prentice

AN ACT Relating to suspending the child support pass-through payment; amending RCW 26.23.035; and providing an effective date.

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Fairley, Chair; Roach; McDermott and Pridemore.

Referred to Committee on Ways & Means.

Passed to Committee on Ways & Means.

SB 6870 by Senator Hargrove

AN ACT Relating to containing costs for services to sexually violent predators; and amending RCW 71.09.050, 71.09.090, 71.09.110, and 71.09.300.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 19, 2010

SGA 9260 TED STURDEVANT, appointed on November 9, 2009, for the term ending at the governors pleasure, as Director of the Department of Ecology. Reported by Committee on Environment, Water & Energy

Referred to Committee on Human Services & Corrections.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford; Fraser; Marr; Morton; Oemig and Ranker.

SB 6871 by Senators Hargrove and Regala

AN ACT Relating to judicial branch and criminal justice funding; amending RCW 3.62.020, 12.40.020, 36.18.018, and 46.63.110; reenacting and amending RCW 3.62.060 and 36.18.020; adding a new section to chapter 48.22 RCW; creating a new section; and providing an effective date.

Passed to Committee on Rules for second reading.

Referred to Committee on Ways & Means.

February 18, 2010

SGA 9264 SUSAN DREYFUS, appointed on May 18, 2009, for the term ending at the governors pleasure, as Director of the Department of Social and Health Services. Reported by Committee on Human Services & Corrections

SB 6872 by Senator Keiser

AN ACT Relating to medicaid nursing facility payments; amending RCW 74.46.010, 74.46.020, 74.46.431, 74.46.435, 74.46.437, 74.46.439, 74.46.475, 74.46.496, 74.46.501, 74.46.506, 74.46.508, 74.46.511, 74.46.515, 74.46.521, 74.46.835, and 74.46.800; adding a new section to chapter 74.46 RCW; repealing RCW 74.46.030, 74.46.040, 74.46.050, 74.46.060, 74.46.080, 74.46.090, 74.46.100, 74.46.155, 74.46.165, 74.46.190, 74.46.200, 74.46.220, 74.46.230, 74.46.240, 74.46.250, 74.46.270, 74.46.280, 74.46.290, 74.46.300, 74.46.310, 74.46.320, 74.46.330, 74.46.340, 74.46.350, 74.46.360, 74.46.370, 74.46.380, 74.46.390, 74.46.410, 74.46.433, 74.46.445, 74.46.533, 74.46.600, 74.46.610, 74.46.620, 74.46.625, 74.46.630, 74.46.640, 74.46.650, 74.46.660, 74.46.680, 74.46.690,

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens; Brandland; Kauffman and McAuliffe.

Passed to Committee on Rules for second reading.

February 19, 2010

SGA 9265 TOM KARIER, reappointed on January 16, 2010, for the term ending January 15, 2013, as Member of the

74.46.700, 74.46.711, 74.46.770, 74.46.780, 74.46.790, 74.46.820, 74.46.900, 74.46.901, 74.46.902, 74.46.905, and 74.46.906; and declaring an emergency.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1775 by House Committee on Transportation (originally sponsored by Representatives White, Carlyle, Nelson, Uptegrove and Simpson)

AN ACT Relating to the regulation of certain limousine carriers; amending RCW 46.72A.010, 46.72A.020, 46.72A.030, 46.72A.040, 46.72A.050, 46.72A.060, 46.72A.080, 46.72A.090, 46.72A.100, 46.72A.120, and 46.72A.140; adding a new section to chapter 46.72A RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 2697 by Representatives Conway and Condotta

AN ACT Relating to real estate broker licensure fees; amending RCW 18.85.451, 18.85.461, and 18.85.471; providing an effective date; and providing expiration dates.

Referred to Committee on Labor, Commerce & Consumer Protection.

EHB 3023 by Representatives Jacks, Chandler, Kretz, Hunt, Blake and Wallace

AN ACT Relating to consolidating the state's pollution liability insurance agency within the department of ecology; amending RCW 70.148.005, 70.148.010, 70.148.020, 70.148.025, 70.148.030, 70.148.035, 70.148.040, 70.148.050, 70.148.060, 70.148.070, 70.148.080, 70.148.090, 70.148.130, 70.148.140, 70.148.150, 70.148.160, 70.148.170, 70.149.010, 70.149.030, 70.149.040, 70.149.050, 70.149.060, 70.149.090, and 70.149.120; reenacting and amending RCW 43.21B.110; adding a new section to chapter 70.149 RCW; adding a new section to chapter 70.148 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Environment, Water & Energy.

ESHB 3175 by House Committee on General Government Appropriations (originally sponsored by Representative Darneille)

AN ACT Relating to transferring the office of minority and women's business enterprises into the department of commerce; amending RCW 39.19.020, 39.19.030, 39.19.041, 39.19.060, 39.19.250, 39.19.150, 39.19.200, 39.19.210, 39.19.220, 39.19.230, 42.17.2401, and 43.63A.690; creating a new section; repealing RCW 41.06.082; and providing an effective date.

Referred to Committee on Economic Development, Trade & Innovation.

MOTION

On motion of Senator McDermott, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 3175 which was referred to the Committee on Economic Development, Trade & Innovation.

MOTION

On motion of Senator McDermott, pursuant to rule 46, the Labor, Commerce & Consumer Protection was granted leave to meet during the day's session.

MOTION

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

MOTION

Senator Jacobsen moved adoption of the following resolution:

SENATE RESOLUTION
8696

By Senators Jacobsen and Swecker

WHEREAS, AquaSeed Corporation, a Washington State company, has spent many years developing innovative and environmentally sound salmon production techniques, with the goal of providing more nutritious salmon while using methods that are safe for both people and the environment; and

WHEREAS, Since 1988, AquaSeed has selectively bred a strain of Pacific Coho salmon capable of superior growth in a land based, contained freshwater system, marketed by AquaSeed as SweetSpring Salmon; and

WHEREAS, AquaSeed's SweetSpring Salmon demonstrate extremely low levels of contaminants, as well as high levels of omega-3 fatty acids important for human health; and

WHEREAS, AquaSeed's proprietary production and water conservation system avoid deleterious environmental impacts through innovative and rigorous control of discharge water quality; and

WHEREAS, In recognition of the foregoing, on January 14, 2010, the Monterey Bay Aquarium Seafood Watch Program took the unprecedented step of awarding AquaSeed's SweetSpring Salmon the acclaimed "SuperGreen" designation, denoting the very highest ranking for environmental sustainability and human health; and

WHEREAS, AquaSeed's SuperGreen designation is the first such designation awarded to salmon aquaculture anywhere in the world; and

WHEREAS, Monterey Bay's ranking came after several months of intensive site visits and operational reviews at AquaSeed's Rochester, Washington production facility, and concluded that AquaSeed's fish health, contaminant control, and pollution discharge levels meet the very highest standards; and

WHEREAS, AquaSeed's designation as a SuperGreen company is a groundbreaking achievement that serves as an international model for environmentally sustainable salmon production and was featured in the renowned publication, *Scientific American*; and

WHEREAS, Pacific salmon conservation efforts led by AquaSeed protect several stocks of threatened Pacific salmon through their Safety-Net Programs; and

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WHEREAS, AquaSeed's innovative entrepreneurship provides environmentally sustainable employment opportunities for the citizens of the State of Washington; and

WHEREAS, AquaSeed's conservation and environmental leadership is a credit to the State of Washington and its citizens;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor AquaSeed Corporation as a SuperGreen company, acknowledging AquaSeed's invaluable contribution to environmentally sustainable salmon production, salmon conservation, and rural Washington employment opportunities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Christine Gregoire, Washington Departments of Agriculture and Ecology, and the President of AquaSeed Corporation.

Senator Jacobsen spoke in favor of adoption of the resolution.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8696.

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

INTRODUCTION OF SPECIAL GUESTS

The Vice President Pro Tempore welcomed and introduced Owner and President of Aquaseed Per Heggelund and wife Mimi Heggelund; and Greg Hudson, Vice President of Production of Aquaseed and wife Holly Hudson who were seated in the gallery.

MOTION

At 12:10 p.m., on motion of Senator McDermott, the Senate was recessed until 5:45 p.m.

EVENING SESSION

The Senate was called to order at 5:45 p.m. by President Pro Tempore.

The Secretary called the roll and announced to the President Pro Tempore that all members were present with the exception of Senators McCaslin and Pflug.

MOTION

On motion of Senator Eide, pursuant to rule 46, the Committees on Judiciary and Financial Institutions, Housing & Insurance committees were granted leave to meet during the following day's floor session. (February 23, 2010).

MOTION TO LIMIT DEBATE

Senator Eide: "Madam. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through February 22, 2010."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through February 22, 2010 by voice vote.

MOTION

At 5:55 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 6:47 p.m. by the President Pro Tempore.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

February 17, 2010

MR. PRESIDENT

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6130 with the following amendment: 6130-S.E AMH FIN H5208.1 6130-S.E AMH FIN H5208.1.

On page 1, beginning on line 11, strike all of section 2

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title. and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Prentice moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6130.

Senator Prentice spoke in favor of the motion.

Senators Benton and Schoesler spoke against the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Prentice that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6130.

The motion by Senator Prentice carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6130 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6130, as amended by the House.

Senators Benton, Roach, Carrell and Parlette spoke against passage of the bill.

MOTION

On motion of Senator Brandland, Senators McCaslin and Pflug were excused.

Senators Holmquist, Schoesler, Honeyford, King, Becker and Sheldon spoke against passage of the bill.

Senators Brown and Kohl-Welles spoke in favor of passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6130, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McDermott, Murray,

Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Hobbs, Holmquist, Honeyford, Kauffman, Kilmer, King, Marr, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators McCaslin and Pflug

ENGROSSED SUBSTITUTE SENATE BILL NO. 6130, as amended by the House, 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 7:21 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, February 23, 2010.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

Draft

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2403-S	Committee Report	1	3023	Introduction & 1 st Reading
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2465	Committee Report	1	3179-S	Committee Report
2466-S	Committee Report	1	6130-S	Final Passage as amended by House
2490	Committee Report	2		Messages
2515-S	Committee Report	2		Other Action
2525-S	Committee Report	2	6869	Introduction & 1 st Reading
2538-S	Committee Report	2	6870	Introduction & 1 st Reading
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2661-S	Committee Report	2	6872	Introduction & 1 st Reading
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2677	Committee Report	2		Introduced
2697	Introduction & 1 st Reading	4	9260	Committee Report
2707			9264	Committee Report
			9265	Committee Report
				PRESIDENT OF THE SENATE
				Intro. Special Guest, Aquaseed President, Per Heggelund