

**FIRST DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Tuesday, April 26, 2011

The Senate was called to order at 9:00 a.m. by President Owen.  
No roll call was taken.

MOTION

At 9:01 a.m., on motion of Senator Fraser, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:30 a.m. by President Owen.

MOTION

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

MESSAGE FROM THE GOVERNOR

PROCLAMATION BY THE GOVERNOR  
11-06

**WHEREAS**, in accordance with Article II, Section 12(Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2011 regular session on April 22, 2011, the 103<sup>rd</sup> day of the session' and

**WHEREAS**, substantial work remains to be done with respect to the 2011-2013 biennial operating budget and bills necessary to implement the budget, including workers' compensation reform and related bills, state government reform, prospective changes to Washington's Guaranteed Education Tuition (GET) Program, and action on the Higher Education Funding Task Force recommendations; and

**WHEREAS**, substantial work remains to be done with respect to bills important to support the 2011-2013 biennial transportation budget, including transportation fees and the vessel replacement surcharge on ferry fares; and

**WHEREAS**, substantial work remains to be done with respect to the 2011-2013 biennial capital budget, bills necessary to implement the budget, and a constitutional amendment to reduce the maximum amount of debt the state can incur; and

**WHEREAS**, the Speaker of the House, House Minority Leader, Senate Majority Leader and Senate Republican Leader working together with the Governor may agree upon additional matters that are necessary for the legislature to address;

**NOW, THEREFOR**, 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 Tuesday, April 26, 2011, at 9 a.m. for the purpose of enacting legislation as described above.

Signed and sealed with the official seal of the state of Washington this 22<sup>nd</sup> day of April, A. D. Two-thousand and eleven at Olympia, Washington.

Seal

CHRISTINE GREGOIRE,  
Governor of Washington

BY THE GOVERNOR  
SAME REED  
Secretary of State

MOTION

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

MESSAGE FROM THE HOUSE

April 26, 2011

MR. PRESIDENT:  
The House has adopted:  
HOUSE CONCURRENT RESOLUTION 4405,  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4405 by Representatives Sullivan and Kretz

Specifying the status of bills, memorials, and resolutions for the 2011 first special session of the Sixty-second legislature.

MOTION

On motion of Senator Eide and without objection, the rules were suspended and House Concurrent Resolution No. 4405 was placed on the second reading calendar.

MOTION

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4405, by Representatives Sullivan and Kretz

Specifying the status of bills, memorials, and resolutions for the 2011 first special session of the Sixty-second legislature.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4405 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4405.

HOUSE CONCURRENT RESOLUTION NO. 4405 was adopted on third reading by voice vote.

MOTION

At 11:35 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:15 p.m. by President Owen.

The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Chase, Delvin, Hewitt, Holmquist Newbry, McAuliffe, Morton and Sheldon.

MOTION

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

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

April 12, 2011

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.

NATASHA K. PRANGER, appointed April 12, 2011, for the term ending December 31, 2011, 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 sixth order of business.

MOTION

On motion of Senator Ericksen, Senators Benton, Delvin, Hewitt, Holmquist Newbry and Morton were excused.

MOTION

On motion of Senator White, Senators Chase, Hobbs, McAuliffe and Sheldon were excused.

MOTION

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

THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5596, by Senate Committee on Ways & Means (originally sponsored by Senators Parlette, Zarelli, Becker and Hewitt).

Requiring the department of social and health services to submit a demonstration waiver request to revise the federal medicaid program.

The bill was read on Third Reading.

Senators Parlette and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5596.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5596 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Baumgartner, Baxter, Becker, Brown, Carrell, Conway, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom, White and Zarelli

Excused: Senators Benton, Chase, Delvin, Hewitt, Holmquist Newbry, McAuliffe, Morton and Sheldon

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5596, 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.

THIRD READING

ENGROSSED SENATE BILL NO. 5773, by Senators Zarelli, Baumgartner, Hill, Parlette, Schoesler, Ericksen and Holmquist Newbry.

Making a health savings account option and high deductible health plan available to public employees. (REVISED FOR ENGROSSED: Making a health savings account option and high deductible health plan option and a direct patient-provider primary care practice option available to public employees. )

The bill was read on Third Reading.

MOTION

On motion of Senator Zarelli, the rules were suspended and Engrossed Senate Bill No. 5773 was returned to second reading for the purpose of amendment.

SECOND READING

ENGROSSED SENATE BILL NO. 5773, by Senators Zarelli, Baumgartner, Hill, Parlette, Schoesler, Ericksen and Holmquist Newbry

FIRST DAY, APRIL 26, 2011

2011 1ST SPECIAL SESSION

Making a health savings account option and high deductible health plan available to public employees. (REVISED FOR ENGROSSED: Making a health savings account option and high deductible health plan option and a direct patient-provider primary care practice option available to public employees. )

The measure was read the second time.

## MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted:

On page 6, line 9, after "For" strike "the open enrollment period beginning November 1, 2011" and insert "any open enrollment period following the effective date of this section"

On page 6, beginning on line 15, after "for" strike "the open enrollment period beginning November 1, 2011" and insert "any open enrollment period following the effective date of this section"

Senator Zarelli spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 6, line 9 to Engrossed Senate Bill No. 5773.

The motion by Senator Zarelli carried and the amendment was adopted by voice vote.

## MOTION

On motion of Senator Zarelli, the rules were suspended, Second Engrossed Senate Bill No. 5773 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 5773.

## ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5773 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 9; Absent, 0; Excused, 7.

Voting yea: Senators Baumgartner, Baxter, Becker, Brown, Carrell, Eide, Ericksen, Fain, Hargrove, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Kilmer, King, Litzow, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Conway, Fraser, Harper, Hatfield, Keiser, Kline, Kohl-Welles, Nelson and White

Excused: Senators Benton, Chase, Delvin, Hewitt, McAuliffe, Morton and Sheldon

SECOND ENGROSSED SENATE BILL NO. 5773, 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.

## THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5844, by Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Parlette, Murray, Kastama, Fraser, Hobbs, Hatfield, Regala, Sheldon and Hewitt).

Concerning financing local government infrastructure.  
Revised for 1st Substitute: Financing local government infrastructure.

The bill was read on Third Reading.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5844.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5844 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 7; Absent, 0; Excused, 7.

Voting yea: Senators Baumgartner, Becker, Brown, Conway, Eide, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Litzow, Murray, Nelson, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin, Swecker, Tom, White and Zarelli

Voting nay: Senators Baxter, Carrell, Ericksen, Honeyford, Roach, Schoesler and Stevens

Excused: Senators Benton, Chase, Delvin, Hewitt, McAuliffe, Morton and Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5844, 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.

## THIRD READING

SENATE JOINT RESOLUTION NO. 8206, by Senators Zarelli, Brown, Pridemore, Tom, Kilmer, White and Parlette.

Requiring extraordinary revenue growth to be transferred to the budget stabilization account.

The bill was read on Third Reading.

Senator Zarelli spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Senate Joint Resolution No. 8206.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8206 and the resolution passed the Senate by the following vote: Yeas, 39; Nays, 3; Absent, 0; Excused, 7.

Voting yea: Senators Baumgartner, Baxter, Becker, Brown, Carrell, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Litzow, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom, White and Zarelli

Voting nay: Senators Conway, Kohl-Welles and Nelson

Excused: Senators Benton, Chase, Delvin, Hewitt, McAuliffe, Morton and Sheldon

SENATE JOINT RESOLUTION NO. 8206, having received the constitutional majority, was declared passed.

## THIRD READING

SUBSTITTUE SENATE JOINT RESOLUTION NO. 8215, by Senators Kilmer, Parlette, Murray, Zarelli, Brown, Hobbs, Fraser, Tom, Sheldon, Honeyford and Hewitt.

Concerning the debt reduction act of 2011.

The bill was read on Third Reading.

Senators Kilmer, Parlette, Brown, Zarelli and Murray spoke in favor of passage of the resolution.

Senator Conway spoke against passage of the resolution.

The President declared the question before the Senate to be the final passage of Substitute Senate Joint Resolution No. 8215.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Resolution No. 8215 and the resolution passed the Senate by the following vote: Yeas, 39; Nays, 3; Absent, 0; Excused, 7.

Voting yea: Senators Baumgartner, Baxter, Becker, Brown, Carrell, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Haugen, Hill, Hobbs, Holmquist Newbry, Honeyford, Kastama, Keiser, Kilmer, King, Kline, Litzow, Murray, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Shin, Stevens, Swecker, Tom, White and Zarelli

Voting nay: Senators Conway, Kohl-Welles and Nelson

Excused: Senators Benton, Chase, Delvin, Hewitt, McAuliffe, Morton and Sheldon

SUBSTITUTE SENATE JOINT RESOLUTION NO. 8215, having received the constitutional majority, was declared passed.

#### PERSONAL PRIVILEGE

Senator Parlette: "Thank you Mr. President. To all the members of the senate and the members listening and friends of the senate I would like to thank all of you for your cards and words of condolences for my father. I have to tell you, I feel so good because, although we are going into special session, it allowed me by having the weekend off last weekend to spend that time with my parents and my sister in Chelan and I was here briefly Monday morning and then I left immediately and my father passed away on Tuesday evening and I was there the whole time. I really appreciated it. Now my dad was a World War Two Marine and, right up to the very end, had projects that he wanted done before he passed on. One of them was fixing a skylight in a little apartment close to their house. Another was fixing the sliders in the door in the living room and the last one was surfacing the driveway and that happened on Monday. The last thing I told my dad at 7:00 on Tuesday April 19 was that, 'Dad, the driveway looks absolutely wonderful.' He passed away about fifteen minutes later as my mom and sister and I were having

dinner. My dad had the same type of brain tumor that Ed Kennedy died of, multiforma glioblastoma. And we found out last year in February. The only reason my mother knew something was wrong is that he got his words a little mixed up at breakfast. Well, don't we all do that once in a while? So naturally she thought it was a stroke but it turned on that it was a brain tumor. So, we did a lot of fun things over the last year but that's sort of the way we've always done it. The service will be on Saturday. This coming Saturday, which will also be the birthday of my little granddaughter. She will be two and the reason we've waited a week is because the funeral directors in Chelan are on vacation and my best friend from college said, 'Are you kidding? You only have one?' I said, 'Well, it's a father and son and they are both in Mexico.' So, I have been working on writing the obituary, getting the program, Mr. President, may I share this photo?"

#### REPLY BY THE PRESIDENT

President Owen: "Of course."

Senator Parlette: "I have to show you, the front of the program is going to be this wonderful picture of my father fly fishing which I happen to take in Stehekin a couple years ago. Well, it's probably not as professional as those photographers around here but it is sort of special and low and behold, we didn't know it, it is the first day of fishing season. So I think it's very appropriate and again thank you to all of you for your cards and I really appreciate it. This truly is a senate family. You are appreciated. Thank you."

#### MOTION

At 2:02 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, April 27, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate



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