

SIXTY EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 18, 2011

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 Benton, Brown, Delvin, Eide, Ericksen, Fain, Harper Hewitt, Holmquist Newbry, Kastama, Litzow, Morton, Nelson, Pflug, Prentice, Pridemore, Ranker, Roach, Stevens, Swecker and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Sophia DeBuschere and Emma Hollar, presented the colors. The Most Reverend Joseph Tyson, Bishop of the Roman Catholic Archdiocese of Seattle offered the prayer.

MOTION

On motion of Senator Rockefeller, 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

March 17, 2011

SHB 1048 Prime Sponsor, Committee on State Government & Tribal Affairs: Making technical corrections needed as a result of the recodification of campaign finance provisions. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

March 17, 2011

EHB 1234 Prime Sponsor, Representative Moscoso: Addressing law enforcement crime prevention efforts regarding security alarm systems and crime watch programs for residential and commercial locations. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

March 17, 2011

HB 1290 Prime Sponsor, Representative Green: Concerning mandatory overtime for certain health care employees. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

Passed to Committee on Ways & Means.

March 17, 2011

SHB 1315 Prime Sponsor, Committee on Health Care & Wellness: Concerning the employment of physicians by nursing homes. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Kline; Murray; Parlette and Pridemore.

Passed to Committee on Rules for second reading.

March 17, 2011

ESHB 1406 Prime Sponsor, Committee on Public Safety & Emergency Preparedness: Establishing the intrastate building safety mutual aid system. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

March 17, 2011

HB 1488 Prime Sponsor, Representative Jinkins: Updating the authority of the state board of health. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker; Kline; Parlette and Pridemore.

Passed to Committee on Rules for second reading.

March 17, 2011

SHB 1495 Prime Sponsor, Committee on Judiciary: Regarding the unfair competition that occurs when stolen or misappropriated information technology is used to manufacture products sold or offered for sale in this state. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; King and Keiser.

MINORITY recommendation: Do not pass. Signed by Senator Kline.

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

Passed to Committee on Ways & Means.

March 17, 2011

SHB 1585 Prime Sponsor, Committee on Public Safety & Emergency Preparedness: Establishing the intrastate mutual aid system. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

March 17, 2011

SHB 1596 Prime Sponsor, Committee on Local Government: Concerning requirements that cities and towns with ambulance utilities allocate funds toward the total cost necessary to regulate, operate, and maintain the ambulance utility. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

March 17, 2011

EHB 1674 Prime Sponsor, Representative Kenney: Providing that the manufacturing innovation and modernization extension service program is not to sunset. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Hatfield; Holmquist Newbry; Kilmer and Shin.

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

Passed to Committee on Rules for second reading.

March 17, 2011

ESHB 1701 Prime Sponsor, Committee on Labor & Workforce Development: Concerning the misclassification of contractors as independent contractors in the construction industry. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Keiser and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry; King and Hewitt.

Passed to Committee on Rules for second reading.

March 17, 2011

ESHB 1725 Prime Sponsor, Committee on Labor & Workforce Development: Addressing administrative efficiencies for the workers' compensation program. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Keiser and Kline.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist Newbry and King.

Passed to Committee on Rules for second reading.

March 17, 2011

ESHB 1731 Prime Sponsor, Committee on Local Government: Concerning the formation, operation, and governance of regional fire protection service authorities. Reported by Committee on Government Operations, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker; Chase; Nelson and Roach.

Passed to Committee on Rules for second reading.

March 17, 2011

HB 1770 Prime Sponsor, Representative Hasegawa: Enhancing small business participation in state purchasing. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Hatfield; Holmquist Newbry; Kilmer and Shin.

MINORITY recommendation: Do not pass. Signed by Senator Ericksen.

Passed to Committee on Rules for second reading.

March 17, 2011

HB 1916 Prime Sponsor, Representative Ryu: Concerning business services delivered by associate development organizations. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Holmquist Newbry; Kilmer and Shin.

MINORITY recommendation: Do not pass. Signed by Senators Ericksen and Hatfield.

Passed to Committee on Rules for second reading.

March 17, 2011

HB 1926 Prime Sponsor, Representative Kenney: Using a web-based business services system. Reported by Committee on Economic Development, Trade & Innovation

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Hatfield; Holmquist Newbry; Kilmer and Shin.

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

Passed to Committee on Rules for second reading.

March 17, 2011

HB 1937 Prime Sponsor, Representative Ryu: Authorizing local improvement district funding to benefit innovation partnership zones for the purposes of economic development. Reported by Committee on Economic Development, Trade & Innovation

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MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Chase, Vice Chair; Baumgartner; Hatfield; Holmquist Newbry; Kilmer and Shin.

AN ACT Relating to studying the privatization of residential habilitation centers; amending RCW 71A.20.020; and declaring an emergency.

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

Referred to Committee on Health & Long-Term Care.

Passed to Committee on Rules for second reading.

MOTION

March 17, 2011

HB 1939 Prime Sponsor, Representative Appleton: Defining federally recognized tribes as agencies for purposes of agency-affiliated counselors. Reported by Committee on Government Operations, Tribal Relations & Elections

On motion of Senator Rockefeller, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

MAJORITY recommendation: Do pass. Signed by Senators Pridmore, Chair; Prentice, Vice Chair; Swecker; Chase; Nelson and Roach.

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

PERSONAL PRIVILEGE

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 17, 2011

SGA 9117 PAUL TRAUSE, appointed on October 1, 2010, for the term ending at the governors pleasure, as Commissioner of the Employment Security Department. Reported by Committee on Labor, Commerce & Consumer Protection

Senator Kohl-Welles: "Thank you Mr. President. Well, as we all know with recent world events, particularly all that's transpiring in Japan, it can be very difficult to find something to celebrate but today I would like to bring up something that we can indeed celebrate and that is the fiftieth anniversary of the Seattle Center. You may all have seen the film with Elvis Presley. It happened at the World's Fair. You have certainly ridden the Monorail. I imagined everybody here has visited the Seattle Center many, many times. It did begin fifty years ago with the actions of the Legislature at that time in creating the exhibition area in the center of Seattle for the celebration of the World's Fair in 1962. Today, that seventy-four acre area in the middle of Seattle, called the Seattle Center often referred to as the living room or the family room of the city of Seattle, is still operating. It's functioning well. It adds new attractions almost yearly and it's an enormous draw to bring tourists to the City of Seattle, to the State of Washington, to the Pacific Northwest and it's one which happens to be in my district and I go there very frequently, walking to it. The Seattle Center actually is very important for many reasons; including bringing revenue to the city of Seattle and to our State of Washington. It annually welcomes twelve million visitors to nearly five hundred free public programs with over five thousand shows and events which bring in one point fifteen billion dollars in business activity and three hundred eighty-seven million in labor income for King County. It's a true treasure for the State of Washington, as well as being a state wide asset. Children, families attend the ballet. They attend performances at McCaw Hall, operas. We have countless numbers of people visiting the Pacific Science Center, the Children's Museum, the Seattle Center House, attending the Bumper Shoot, Folk Life festivals. Taste of Seattle and we could go on and on and on. We are here to celebrate the fiftieth anniversary today and everybody is welcome including legislative staff to attend a luncheon in the Columbia Room which will be going on between 11:30 this morning and 1:00 p.m. Hope to see you there and we hope that you will celebrate the fiftieth anniversary of the Seattle Center with many activities that are going to be taken place. The actual fiftieth anniversary, of course, is next year in 2012 but the events are starting up this year, so I welcome the Seattle Center staff and many of the staff from different exhibitions and programs at the Seattle Center and I hope you all will join me. Thank you."

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

Passed to Committee on Rules for second reading.

March 17, 2011

SGA 9147 ALFRED HALLOWELL, reappointed on February 3, 2011, for the term ending January 17, 2017, as Member of the Horse Racing Commission. Reported by Committee on Labor, Commerce & Consumer Protection

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry; King; Hewitt; Keiser and Kline.

Passed to Committee on Rules for second reading.

MOTION

On motion of Rockefeller, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Substitute House Bill No. 1495 which was referred to the Committee on Rules.

MOTION

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

INTRODUCTION AND FIRST READING

PERSONAL PRIVILEGE

SB 5878 by Senators Chase, King and Hargrove

Senator Chase: "Mr. President. Some fifty years ago today I was a young woman watching what the legislature did and decided I wanted to work at the Seattle World's Fair and I did. I worked in the Public Relations in Publicity Division. Today I wore my Seattle World's Fair pin in honor of fifty years. For me, I watched Elvis play football with his boys, I watched a Canadian tattoo for the first time in my life, I had no idea, because I was eighteen years old, I had no idea, you know, what a Canadian tattoo was like or the Ballet Folklorico, or the Seattle Opera House. We watched it being built and the opening event. I can't remember the opera but I remember they would let us in to watch the rehearsals, the Seattle Repertory Theatre, these were all new buildings. It was amazing. Pavilions were there from around the world, from all of the major countries. There was a, from a young woman growing up from Eastern Washington, my eyes, I have to tell you were really astounded to see 'Gracie's Paradise.' There were naked women there. It was really quite surprising. It was a glorious time and I do hope that we can duplicate that again. I worked for Jay Rockey and it was, he ran the Public Relations Department. So they would have people come in, important people and we would get to take them on tours and it was quite a time. I hope that we're able to duplicate those exciting days again and that other people in this state, young people in this state, can realize our position in the world. It is quite astounding. So, I salute the Seattle World's Fair, I salute, if you're with the World's Fair Commission, I salute you and all your work and I hope I worked with some of you at the fair. Thank you for being here."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Seattle Center, Robert Nellams, Director, Seattle Center; Tracy Robinson, Executive Director, Seattle Center Foundation; Michal Anderson, Chief Financial & Operating Officer, Pacific Science Center; D. David Brown, President and Board Member, WA State Arts Alliance Commission and Executive Director, Pacific Northwest Ballet; Jon Stone, Executive Director, One Reel; Robert Townsend E. D. of Northwest Folk life; Dori Willard, Development Associate, The Children's Museum, Seattle; Louise Miller, Seattle Opera Trustee, Seattle Opera; and Deborah Person, Managing Director, Seattle International Film Festival who were seated in the gallery.

MOTION

Senator Kilmer moved adoption of the following resolution:

SENATE RESOLUTION 8641

By Senators Kilmer, Holmquist Newbry, Baxter, Kastama, Harper, Hatfield, Haugen, Tom, Honeyford, Kohl-Welles, Keiser, Pflug, Schoesler, Pridemore, Conway, Swecker, and Baumgartner

WHEREAS, Traumatic brain injuries can seriously affect every aspect of a patient's life, including personality and mental abilities; and

WHEREAS, Traumatic brain injuries now affect over 5.3 million American citizens, who now live with resulting disabilities; and

WHEREAS, Out of the 1.7 million people annually who sustain traumatic brain injuries, 52,000 of them will die, while 275,000 will be hospitalized as a result of their brain injury; and

WHEREAS, In Washington state, 1,300 residents die of traumatic brain injuries every year; and

WHEREAS, The costs of traumatic brain injuries in the United States are estimated to be 48.3 billion dollars annually; and

WHEREAS, There is no cure for traumatic brain injuries, only prevention; and

WHEREAS, Traumatic brain injury patients are tirelessly cared for and supported by their family members and advocacy groups; and

WHEREAS, The Brain Injury Association of America has created a partnership with the Centers for Disease Control and Prevention, the Health Resources and Services Administration in the United States Department of Health and Human Services, the Defense Brain and Spinal Cord Injury Program for veterans and military personnel, the Washington Protection and Advocacy System, and the Brain Injury Association of Washington that strives to provide a better future for traumatic brain injury patients through prevention, research, education, and advocacy; and

WHEREAS, The traumatic brain injury advocacy groups already mentioned have recognized and declared the month of March 2011, National Brain Injury Awareness Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the work of these organizations in their efforts to combat traumatic brain injuries; and

BE IT FURTHER RESOLVED, That the Washington State Senate honor these advocacy groups, the family members of patients, and the victims of traumatic brain injuries during the month of March 2011, National Brain Injury Awareness Month.

Senators Kilmer and King spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8641.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of the traumatic brain injury awareness effort, Suzanne Griffin, traumatic brain injury survivor from Bremerton; Gregg Cordova, from Bremerton; and Richard Hedrick, from Bremerton who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced participants of Olympia Community College's Leadership Development Program led by Dr. Jeffrey D. Yergler who were seated in the gallery.

MOTION

On motion of Senator Rockefeller, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

Senator Fraser moved adoption of the following resolution:

SENATE RESOLUTION 8642

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By Senators Fraser, Parlette, Brown, Kohl-Welles, Hobbs, Hatfield, Conway, Regala, Schoesler, White, Shin, Kline, Harper, Hargrove, Chase, Murray, Tom, Prentice, Kastama, McAuliffe, Keiser, Pridemore, Haugen, Baumgartner, and Becker

WHEREAS, On March 11, 2011, Japan experienced the magnitude 9.0 Tohoku Earthquake, off the northeast coast of Honshu, which was the 4th largest earthquake in the world since 1900 and the largest in Japan since modern instrumental recording began 130 years ago, with the region continuing to experience significant aftershocks; and

WHEREAS, This extraordinarily powerful earthquake triggered devastating tsunami waves, which rapidly and forcefully traveled up to six miles inland in Japan; and

WHEREAS, Together, this historic earthquake and tsunami resulted in a monumental and continuing disaster of staggering personal, life-threatening, and economic proportions; and

WHEREAS, The lives of people in Washington State and Japan are deeply interconnected, with many families in Washington having members in Japan, and many families in Japan having members in Washington; and

WHEREAS, There are innumerable personal friendship ties between Washington and Japan through Washington's long standing Sister State relationship with Hyogo Prefecture established in 1963 (the oldest Sister State relationship in the U.S.), 36 Sister City relationships, Sister Port relationships between Seattle and Kobe, numerous college and university exchange relationships, strong trade relationships with Japan being Washington's third largest export market, and innumerable cultural exchanges that include trees and gardens, music and visual arts, and language and cultural studies; and

WHEREAS, Washington State is honored by Japan locating in Seattle one of its sixteen U.S. consulates, and by our Sister State, Hyogo Prefecture, locating a Business and Cultural Center in Seattle; and

WHEREAS, People throughout Washington admire the strength and resiliency of the survivors, grieve for the tragedies being experienced, and are participating in opportunities to be of assistance;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate express its heartfelt condolences to the people of Japan, especially to those in the immediately affected region; and

BE IT FURTHER RESOLVED, That the Washington State Senate express its admiration for the strength and resiliency of the

survivors and the determination of the Japanese people to recover as quickly as possible; and

BE IT FURTHER RESOLVED, That the Washington State Senate express its profound appreciation to the many organizations and individuals in Washington State who, from their strong sense of affection and friendship, are contributing many forms of assistance for the very substantial rescue and recovery efforts; and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to: The Japan Consul General Kiyokazu Ota in Seattle; the Hyogo Prefecture Governor Toshizo Ido in Kobe; and Mr. Takanori (Ginn) Kitaoka, Director, Hyogo Business and Cultural Center in Seattle.

Senators Fraser, Hobbs and Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8642.

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

MOTION

On motion of Senator Fraser and without objection, the rules were suspended and the usual time allowed for members to add their names to Senate Resolution No. 8642 was extended until 12:20 p.m., Tuesday, March 22, 2011.

MOMENT OF SILENCE

The President led the Senate in observing a moment of silence in remembrance of and sympathy for the victims and survivors of the earthquake and tsunami which occurred in Japan on Friday, March 11, 2011.

MOTION

At 10:37 p.m., on motion of Senator Rockefeller, the Senate adjourned until 12:00 noon, Monday, March 21, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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