

FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 10, 2011

At 12:00 noon, pursuant to law, the Senate of the 2011 Regular Session of the Sixty-Second Legislature of the state of Washington assembled in the Senate Chamber at the State Capitol. Lieutenant Governor Brad Owen, President of the Senate, called the Senate to order.

The Washington State Patrol Honor Guard consisting of Trooper Brian Dorsey; Trooper Melissa Braaten; Trooper Peter Cozzitorto; Trooper Matt Fehler and Trooper Mike Kildow presented the colors.

The President led the Senate in the Pledge of Allegiance.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Natasha Coleman of West Seattle who performed the National Anthem.

Reverend Tony Irving, Deacon, St. Benedict's Episcopal Church of Lacey offered the prayer.

REMARKS BY THE PRESIDENT

President Owen: "On Saturday morning a gunman attempted to assassinate Congresswoman Gabriel Giffords, a Representative of Tuscon and its surrounding area. Congresswoman Gifford remains in critical condition this morning hopefully recovering from a gunshot wound to the head. Twenty people were shot by the attacker, six of them died. They were: John M. Roll, a Federal District Court Judge; Gabe Zimmerman, an Aide to Representative Giffords; Dorwin Stoddard, who blocked gun fire aimed at his wife; Phyllis Schneck, a seventy-nine year old great-grandmother; Dorthy Morris, a seventy-six year attending the event with her husband and high school sweetheart; and Christina Taylor Green a nine year old with a budding interest in politics. She was born on September 11, 2001. I would ask that the members to stand for a moment of silence for these outstanding Americans and to pray for the recovery of those wounded in the attack."

MOMENT OF SILENCE

The Senate observed a moment of silence in memory of those that lost their lives and those injured during the shooting in Arizona on January 8, 2011.

REMARKS BY THE PRESIDENT

President Owen: "Ladies and Gentleman, every year we are privileged to have the Lakefair Queen welcome us on the opening day of the Legislative Session. So, I'm pleased to ask Josephine Coury, this year's Lakefair Queen to say a few words. Josephine is accompanied today by her brother Nick as well as her parents Bassam & Verena Coury who are seated in the south gallery and also the 2011 Capital Lakefair President Bob Barnes, his first Lady, Serry Barnes. Queen Coury, thank you very much for being here this morning and the microphone is yours."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Miss Josephine Coury, the 2011 Lakefair Queen, who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Lakefair Queen Josephine Coury to address the Senate and welcome the Senators to Olympia.

REMARKS BY MISS JOSEPHINE COURY

Josephine Coury: "Hello everyone and welcome to the 2011 Senate Session in Olympia Washington. I hope you enjoy your stay in our beautiful capital city. My name is Josephine Coury and I am the reigning Capital Lakefair Queen. Capital Lakefair has incorporated components of my life from the debate club to my rich cultural background as a first generation American. After being crowned the fifty-second Queen I learned that in life what it comes down to is the content of your character. I appreciate the opportunity to give back to Olympia and feel honored to speak before you today. I am a senior at Capital High School and full international baccalaureate diploma candidate. Next year, I aspire to double major in biological sciences and pre-law during my high level education. Capital High School has significantly influenced who I am today, specifically the counselors and teachers. One of the most important people in my life is my school counselor, Jenny Morgan. She's practically a second mother to me, always there for me when I need her. Actually she sparked and encouraged my interest in Capital Lakefair originally. All of my teachers this year and over the past years have been interesting and well qualified. My IB English teacher even memorized the entire 'Romeo and Juliet' play. If we say but one or two lines he can recite the scene. Thank you for providing our schools with caring supportive counselors and interesting intriguing teachers. International baccalaureate has given me an education with a global perspective and I truly enjoy every course that I have, even my seven a.m. philosophy class. Thank you on behalf of the students for giving students like me a hope for the future, for giving us the opportunity to be successful one day and for always considering and supporting education despite these hard times. Don't let the chilly weather outside set the mood inside. I wish you a successful, memorable 2011 Session. Thank you."

The Washington State Patrol Honor Guard retired from the chamber.

LETTERS OF RESIGNATION**WASHINGTON STATE SENATE**

Senator Joe McDermott
34th Legislative District

December 1, 2010

The Honorable Christine Gregoire, Governor
Office of the Governor
P. O. Box 40002
Olympia, WA 98504

Dear Governor Gregoire:

Pursuant to the Revised Code of Washington Chapter 42.12.020, I hereby notify you of my resignation from the Washington State Senate – effective Thursday, December 2, 2010 at 4:01 pm.

It has been an honor serving the people of the 34th Legislative District and, as you aptly point out, the people of the *Great* State of Washington. I look forward to continuing my career in public service as a member of the King County Council, an office I assumed Wednesday, November 24, 2010.

Please allow me to note that serving with you has been a privilege and I look forward to continued cooperation on our mutual interests.

Sincerely,
JOE MCDERMOTT, 34th Legislative District

January 4, 2011

The Honorable Christine Gregoire
Office of the Governor
Legislative Building
Olympia, WA 98504

Dear Governor Gregoire:

After thirty years of service in the Washington State Senate, I find that due to continuing health concerns, I must submit my resignation. Therefore, pursuant to RCW 42.12.020, please accept my resignation from the Washington State Senate, effective Wednesday, January 5, 2011.

It has been my honor and pleasure to serve the people of the 4th Legislative District, and indeed all the fine people in Washington State.

I will miss all of my colleagues and many friends in Olympia that I have had the pleasure of working with these past thirty years, and I wish you well in the upcoming legislative session.

Very Sincerely,
BOB MCCASLIN, 4th Legislative District

CC: Lieutenant Governor Brad Owen
Senator Lisa Brown, Majority Leader
Senator Mike Hewitt, Minority Leader
Tom Hoemann, Secretary of the Senate

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
The Legislature of the State of Washington
Olympia, Washington

Mr. President:

I, Sam Reed, Secretary of State of the State of Washington, do hereby certify that the following is a full, true, and correct list of persons elected to the office of State Senator at the State General Election held in the State of Washington on the second day of November, 2010, as shown by the official returns of said election now on file in the office of the Secretary of State, together with a list of returning Senators whose terms expire in 2013.

SENATORS ELECTED NOVEMBER 2, 2010

District	Counties Represented	Name	Party Preference
6	Spokane*	Michael Baumgartner	Prefers Republican Party
7	Ferry, Lincoln, Okanogan*, Pend Oreille, Spokane*, Stevens	Bob Morton	Prefers Republican Party
8	Benton*	Jerome Delvin	Prefers Republican Party
13	Grant*, Kittitas, Yakima*	Janea Holmquist	Prefers Republican Party
15	Clark*, Klickitat, Skamania*, Yakima*	Jim Honeyford	Prefers Republican Party
21	Snohomish*	Paul Shin	Prefers Democratic Party
26	Kitsap*, Pierce*	Derek Kilmer	Prefers Democratic Party
29	Pierce*	Steve Conway	Prefers Democratic Party
30	King*	Tracey Eide	Prefers Democratic Party
31	King*, Pierce*	Pam Roach	Prefers Republican Party
32	King*, Snohomish*	Maralyn Chase	Prefers Democratic Party
33	King*	Karen Keiser	Prefers Democratic Party
34	King*	Sharon K. Nelson	Prefers Democratic Party
35	Grays Harbor*, Kitsap*, Mason, Thurston*	Tim Sheldon	Prefers Democratic Party
36	King*	Jeanne Kohl-Welles	Prefers Democratic Party
37	King*	Adam Kline	Prefers Democratic Party
38	Snohomish*	Nick Harper	Prefers Democratic Party
41	King*	Steve Litzow	Prefers Republican Party
42	Whatcom*	Doug Ericksen	Prefers Republican Party
43	King*	Ed Murray	Prefers Democratic Party
44	Snohomish*	Steve Hobbs	Prefers Democratic Party
45	King*	Andy Hill	Prefers Republican Party
46	King*	Scott White	Prefers Democratic Party
47	King*	Joe Fain	Prefers Republican Party
48	King*	Rodney Tom	Prefers Democratic Party

SENATORS WHOSE TERMS EXPIRE IN 2013

District	Counties Represented	Name
1	King*, Snohomish*	Rosemary McAuliffe
2	Pierce*, Thurston*	Randi Becker
3	Spokane*	Lisa Brown
4	Spokane*	Bob McCaslin
5	King*	Cheryl Pflug
9	Adams, Asotin, Franklin*, Garfield, Spokane*, Whitman	Mark G. Schoesler
10	Island, Skagit*, Snohomish*	Mary Margaret Haugen
11	King*	Margarita Prentice
12	Chelan, Douglas, Grant*, Okanogan*	Linda Evans Parlette
14	Yakima*	Curtis King
16	Benton*, Columbia, Franklin*, Walla Walla	Mike Hewitt
17	Clark*	Don Benton
18	Clark*, Cowlitz*	Joseph Zarelli

19	Cowlitz*, Grays Harbor*, Pacific, Wahkiakum	Brian Hatfield
20	Lewis, Thurston*	Dan Swecker
22	Thurston*	Karen Fraser
23	Kitsap*	Phil Rockefeller
24	Clallam, Grays Harbor*, Jefferson	Jim Hargrove
25	Pierce*	Jim Kastama
27	Pierce*	Debbie Regala
28	Pierce*	Mike Carrell
34	King*	Sharon K. Nelson
39	King*, Skagit*, Snohomish*, Whatcom*	Val Stevens
41	King*	Steve Litzow
49	Clark*	Craig Pridemore

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia this 6th day of January, 2011.

SAM REED
Secretary of State

(Seal)

The Secretary called the roll of the following holdover members of the Senate and all were present: Senators Becker, Benton, Brown, Carrell, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Kastama, King, McAuliffe, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller, Schoesler, Stevens, Swecker and Zarelli.

POINT OF ORDER

Senator Keiser: "Thank you, Mr. President, I didn't not hear my name read?"

REPLY BY THE PRESIDENT

President Owen: "Senator Keiser. Senator Keiser, um, I know how difficult elections that you have... and it may be because you're not hearing because you fail to recognize that you're not a holdover but you actually had an election this last year. We'll get to you in a couple of minutes, if that's all right."

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Hatfield and Pflug to escort the Honorable Justice Tom Chambers to the rostrum.

The President welcomed and introduced the Honorable Tom Chambers, Justice of the Supreme Court of the state of Washington, who was present to administer the oath of office to the newly elected Senators.

The Secretary called the roll on the following elected Senators filling Senate vacancies: Sharon Nelson and Scott White.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced the Honorable Sam Reed, Secretary of State who was seated at the rostrum.

The Sergeant at Arms escorted each of the members filling Senate vacancies of the Senate to the rostrum of the Senate to receive the oath of office.

Justice Tom Chambers thereupon administrated the oath of office to each of the newly elected members.

The President presented each of the newly elected Senators a certificate of election.

The Sergeant at Arms escorted each of the newly elected members to their seats on the floor of the senate.

The Secretary called the roll of the following member elected to fill an unexpired term and he was present: Steve Litzow.

The Sergeant at Arms escorted the member filling an unexpired term of the Senate to the rostrum of the Senate to receive the oath of office.

Justice Tom Chambers thereupon administrated the oath of office the newly elected member.

The President presented the newly elected Senator a certificate of election.

The Sergeant at Arms escorted the newly elected member to his seat on the floor of the senate.

The Secretary called the roll on the newly re-elected members of the Senate and all were present: Senators Delvin, Eide, Hobbs, Holmquist Newbry, Honeyford, Keiser, Kilmer, Kline, Kohl-Welles, Morton, Murray, Roach, Sheldon, Shin and Tom.

The Sergeant at Arms escorted each of the newly re-elected members of the Senate to the rostrum of the Senate to receive their oath of office.

Justice Tom Chambers thereupon administrated the oath of office to the newly re-elected members.

The President presented the newly re-elected Senators a certificate of election.

The Sergeant at Arms escorted the newly re-elected members to their seats on the floor of the senate.

The Secretary called the roll on the newly elected members of the Senate and all were present: Michael Baumgartner, Maralyn Chase, Steve Conway, Doug Ericksen, Joe Fain, Nick Harper and Andy Hill.

MOTION

FIRST DAY, JANUARY 10, 2011

2011 REGULAR SESSION

Senator Kastama moved that the Senate immediately advanced to the eighth order of business for the purpose of considering Senate Resolution No. 8601.

REMARKS BY SENATOR KASTAMA

Senator Kastama: "Thank you Mr. President and I would appreciate the opportunity to speak to my colleagues why it's very important that right now we go to the eighth order to consider this resolution. My first point is that to do so is not a rebuke of Senator-elect Harper. I just talked with him on Saturday and we clearly understand between us that the issue is not him today; instead the issue is a conspiracy to deceive voters of the thirty-eighth district that changed the outcome of a senate primary.

Moxi Media, a political consulting firm in Washington State, illegally managed shell PACs, these are political action committees, to hide and conceal from the public the true donors of their campaign. So, you're probably asking how we know this? Well, they admitted it. In a hundred and thirty page investigative report by the Public Disclosure Commission where they provided sworn testimony and their own publication, they admitted that they set out to deceive the public. They also knew that if the public found out the entire campaign would back fire and, you know what? It worked. The candidate that they backed, Rod Reiger, had only raised eight hundred dollars. He was not endorsed by anyone, Republicans or Democrats. He did no door belling. There were no brochures. There were no signs and there were no mailings.

The evidence in the investigation indicates they knew Senator Berkey would win in the primary and they had to do something. This plot infused over ten times the amount of money that this person had raised into his campaign. They conducted robo-calls and two brochures and he won with the votes of sixty-two people. That was it. I ask you, if someone had inflated a campaign by ten times the amount of money and done two campaign brochures and a robo-call, do you think that that would add up to sixty-two additional voters going our way, Absolutely, beyond a reasonable doubt.

So disgusted with these actions of these individuals that the Public Disclosure Commission recommended criminal prosecution and I would say that no other case that people bring before you today to ask you not to go to the eighth order has this kind of evidence behind it, no other case.

My second point on why it's important to go to the eighth order right now is that this resolution, excuse me, motion is not about denying the people in the thirty-eighth district representation in the State Senate, it's about giving them a valid election with valid choices. You may hear that he won by sixty percent. Well, I can counter that argument with a lot of analogies but suffice to say, if you limit the people's choice in the general election you will limit the outcome.

Voters in the thirty-eighth district were actively deceived and persuaded to vote against their ideological interest in the primary not through skillful politicking but through illegal actions intended to hoodwink them. If we don't go to the eighth and consider this resolution what we're saying to the voters of the thirty-eighth and to every other district in the state of Washington is that no matter how bad the election was, no matter how corrupt it was we'll seat the person with the most votes. In other words the ends justify the means.

The same principle applies to the character of Nick Harper. Regardless of how you may feel about him and how blameless he is, he, nor anyone else in this body, can be the direct beneficiary of a fixed election. If we do it strikes at the heart of representative democracy.

One final note on this point, the resolution that I hope we consider vacates the senate seat from the thirty-eighth. This does not bar Snohomish County from going through their procedure to seat someone, just in the case as Senator McCaslin, for example. If they did they could get representation within one to two weeks so this is not an issue. One or two weeks without representation is a small price to pay for integrity in the election.

Mr. President, my final point, by going to the eighth order is that it's not about over stepping our constitutional authority to do. Article two, Section eight of the State Constitution says that 'each house is the judge of the election returns and qualifications of its members.' Given the constitution as a whole it's clear that we here can be a judge of the elections. If we do not act, the court will see that we put our stamp of validity on the election. They will probably fine Moxi-Media and the other conspirators will never pay a price. It will be another cost of doing business. In fact, to my knowledge, not one of the conspirators that are in this report has been fired or lost their job, not one of them. I also guarantee you this, the very same people who are going to argue today that it is not our jurisdiction, that if we, in fact, put our stamp of validity, will be the ones that go to the court and say this is our business. We handle that in the legislature and they'll ask the courts not to intervene.

I learned early in my adult life that if you're given the responsibility and the authority to do the right thing and to right or wrong, don't expect that someone else will have the courage to make the tough decisions. Make them yourself. I have one question before this body, if not now, when? When is bad enough and let me finally conclude, it's been said that I will bring disharmony to the floor today by bringing this forward. It's not my intent. But if we claim to be for transparent elections, show the courage to act. Just as if we want a business climate for the twenty-first century we start building an economic support structure as innovative as our companies. If we claim to be for education reform, then stop excepting the status quo that places our state near the bottom of the Race to the Top.' If we claim to be for better government let's restructure agencies with performance standards and accountability and not just cut services. All of those hard decisions we have to make this session, let's start with this decision. We need courage and we need to right this wrong. Mr. President, I ask that we vote to go to the eighth order."

MOTION

Senator Kastama demanded a roll call vote.

The President declared that at least one-sixth of the sworn in members joined the demand and the demand was sustained.

Senator Eide objected to the motion to advancing to the eighth order of business.

REMARKS BY SENATOR EIDE

Senator Eide: "Thank you Mr. President. I am rising to object going to the eighth order for the purpose of consideration for this resolution. First of all and foremost, no one in this chamber condones what has happened in the thirty-eighth district. What happened to Senator Berkey was horrible. What Moxi-Media did was deplorable but this is not a standard that we as senators should be setting.

Being blamed for something that a third party has done is wrong. There's several PACs that were out this last session last campaign and no one condones them neither. 'American Prosperity' for example. I've got a list here; in the sixth district, in

the forty-first district, in the forty-fifth district, in the forty-seventh district, in the forty-eighth district and ladies and gentlemen, in my district. They never filed a PDC report at all and we still do not know how much they have spent against us. We have PDC complaints and violations in the thirteenth district, two of them. We have district, two of them, district twenty-sixth, district thirty-one. I'm sorry, the list goes on and on, it's done, I've done all the research, I'm not saying about you or me but I'm saying the principle of the matter. Think about this, we make laws ladies and gentlemen, we can strengthen the law, we can enhance the law and in fact the good Senator Pridemore is doing a great job on some great pieces of legislation to clamp down on some of this campaign finance reform. That's the direction we need to go here today. We are not the judge and the jury. It is not our role as Senators to say who is guilty and who is not. There is a reason ladies and gentlemen of the Senate why we have three branches of government. This is the courts, justice will be served, justice shall be served but we in going to the eighth order on this resolution is opening up Pandora's box because I tell you what with the list here we will have a hollow chamber because each and every one of us will be walking out the door if we go this route. Why should you or me be blamed for something that we had absolutely nothing to do nor did we have any knowledge about this. Why do you think that's fair, I don't. It's like blaming your child for something the neighbor kid did which is absolutely wrong but this is more serious. Who are we here ladies and gentlemen of the Senate, who are we to tell the sixty percent yes, senator it is sixty percent over in the thirty-eighth district. Who are we to tell them that they didn't know what in the world they were doing when they were voting. Why are we questioning their integrity, their vote. I don't understand, no one absolutely no one has accused Senator elect Harper of any wrong doing. He has not broken the law, he has not done anything unethical. Ladies and gentleman, we are living in the United States of America, every man, woman and child is innocent until proven guilty. I'm asking you to vote no on going to the eighth order of business. Let justice in the court where it belongs be served."

The President declared the question before the Senate to be the motion by Senator Kastama to advance to the eighth order of business.

The Secretary called the roll on the motion by Senator Kastama to advance to the eighth order of business and the motion failed by the following vote: Yeas, 18; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Benton, Carrell, Delvin, Hewitt, Hobbs, Holmquist Newbry, Honeyford, Kastama, King, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Brown, Eide, Fraser, Hargrove, Hatfield, Haugen, Keiser, Kilmer, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Shin, Tom and White

The Sergeant at Arms escorted each of the newly elected members of the Senate to the rostrum of the Senate to receive their oath of office.

Justice Tom Chambers thereupon administered the oath of office the newly elected members.

The President presented the newly elected Senators a certificate of election.

The Sergeant at Arms escorted the newly elected members to their seats on the floor of the senate.

ELECTION OF PRESIDENT PRO TEMPORE

The President declared nominations to be open for the office of President Pro Tempore of the Senate.

REMARKS BY SENATOR FRASER

Senator Fraser: "Thank you Mr. President. I would like to place in nomination Senator Margarita Prentice to serve as President Pro Tempore."

REMARKS BY SENATOR MORTON

Senator Morton: "Thank you Mr. President. Mr. President, we have a unique opportunity to elect Senator Prentice. I have found her to be a very conscientious and sincere and a companion to work with. I feel that she would do an impeccable job for all of us in presiding over the Senate. So, it is with those thoughts that I heartily second her nomination."

REMARKS BY SENATOR FRASER

Senator Fraser: "Thank you Mr. President and I would like to thank Senator Morton for his very gracious seconding the nomination. I think his second shows how highly respected and appreciated Senator Prentice is in the Senate. She's been a very long-time member of the Senate. She previously was a member of the House. She knows the Senate thoroughly. She's chaired policy committees. She's chaired Senate Ways & Means Committee. She's well respected. She's known to be ethical, tough but fair and she knows not only the Senate but she knows the members of the Senate very well and I think we can count on her to be very fair presiding in your absence."

MOTION

On motion of Senator Eide, the nominations for the office of President Pro Tempore were closed.

ROLL CALL

The Secretary called the roll and Senator Margarita Prentice was elected President Pro Tempore: Yeas, 47; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator Benton

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Fraser and Morton to escort Senator Prentice to the rostrum.

Justice Tom Chambers thereupon administered the oath of office to Senator Prentice.

The committee of honor escorted Senator Prentice to her seat on the floor of the Senate.

ELECTION OF VICE PRESIDENT PRO TEMPORE

The President declared nominations to be open for the office of Vice President Pro Tempore of the Senate.

FIRST DAY, JANUARY 10, 2011

2011 REGULAR SESSION

REMARKS BY SENATOR ROCKEFELLER

Senator Rockefeller: “Mr. President, it gives me great pleasure to nominate one of our best known legislators, one the most respected legislators, a true ambassador for our state in other parts of the country and the world, Senator Paull Shin.”

REMARKS BY SENATOR DELVIN

Senator Delvin: “Thank you Mr. President. I rise to second the nomination of my honored colleague, Senator Paull Shin, and a good friend, as Vice President Pro Tempore.”

MOTION

On motion of Senator Eide, Senator Benton was excused.

MOTION

On motion of Senator Eide, the nominations for the office of Vice President Pro Tempore were closed.

ROLL CALL

The Secretary called the roll and Senator Paull Shin was elected Vice President Pro Tempore: Yeas, 47; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Benton

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Rockefeller and Delvin to escort Senator Shin to the rostrum.

Justice Tom Chambers thereupon administered the oath of office to Senator Shin.

The committee of honor escorted Senator Shin to his seat on the floor of the Senate.

ELECTION OF SECRETARY OF THE SENATE

The President declared nominations to be open for the office of Secretary of the Senate.

REMARKS BY SENATOR FRASER

Senator Fraser: “Thank you Mr. President. It’s my privilege to place in nomination, Tom Hoemann, for the position of Secretary of the Senate. Thank you Mr. President. I think we, at least those of us who have served here in the Senate before, are very appreciative of the excellent work that Tom Hoemann currently does as Secretary of the Senate. A role he has served in since 2005. Administering a legislative body such as the Senate is exceptionally complex and dynamic and unique role and he’s lived up to it well. He knows the Senate thoroughly. He’s served in many professional positions in the Senate, prior to becoming Secretary of the Senate and, I think everybody here would concur, he does work to serve all members and to uphold the ideals of

democracy. So it’s my privilege to place his name in nomination.”

REMARKS BY SENATOR PARLETTE

Senator Parlette: “Thank you Mr. President. I would like to second the nomination and with my limited voice I give him the bump.”

MOTION

On motion of Senator Eide, the nominations for the office of Secretary of State were closed.

MOTION

On motion of Senator Delvin, Senator Carrell was excused.

ROLL CALL

The Secretary called the roll and Tom Hoemann was elected Secretary of the Senate: Yeas, 45; Nays, 0; Absent, 1; Excused, 2.

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

Absent: Senator Roach

Excused: Senators Benton and Carrell

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Fraser and Parlette to escort Secretary Hoemann to the rostrum.

Justice Tom Chambers thereupon administered the oath of office to Tom Hoemann.

The committee of honor escorted Secretary Hoemann to his seat on the rostrum.

ELECTION OF SERGEANT AT ARMS

The President declared nominations to be open for the office of Sergeant at Arms.

REMARKS BY SENATOR PRIDEMORE

Senator Pridemore: “Thank you Mr. President. Well, Jim Ruble is a well know institution here in Olympia. He was born and raised in Skagit County where he quickly developed an interest in politics, government and history and built on those interests to move on into becoming a teacher where he developed a long and distinguished career in the Puyallup School District. He’s completed extensive research, edited books, written articles on history about the state and nation’s past and about its governance. He was first elected to the position of Sergeant at Arms in January of 2005. This will be his fourth term in the position. He has gained tremendous respect and admiration around this body such that even Senator Kastama supports this nomination. Mr. President, it is my honor and privilege to nominate the once and future Sergeant at Arms for the Washington State Senate, Jim Ruble.”

REMARKS BY SENATOR SWECKER

Senator Swecker: "Thank you Mr. President. Well, I rise to second the nomination of Jim Ruble and I would be hard put to come up with a speech to follow that one so I will just thank him for his service and look forward to working with him in the future."

MOTION

On motion of Senator Eide, the nominations for the office of Sergeant at Arms were closed.

ROLL CALL

The Secretary called the roll and Jim Ruble was elected as Sergeant at Arms: Yeas, 45; Nays, 0; Absent, 1; Excused, 2.

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

Absent: Senator Roach

Excused: Senators Benton and Carrell

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Pridemore and Swecker to escort Jim Ruble to the rostrum.

Justice Tom Chambers thereupon administered the oath of office to Jim Ruble.

The committee of honor escorted Jim Ruble to his seat on the rostrum.

REMARKS BY THE PRESIDENT

President Owen: "Justice, thank you very much for your patience, you did a great job and we appreciate it very much."

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Hatfield and Pflug to escort Justice Tom Chambers from the Senate chamber.

MOTION

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

MOTION

Senator Murray moved adoption of the following resolution:

SENATE RESOLUTION

8604

By Senators Eide and Schoesler

BE IT RESOLVED, That the Rules of the Senate for the 2009 Regular Session of the 61st Legislature, as amended in the 2009 Regular Session and the 2010 1st Special Session, be adopted as amended as the Rules of the Senate for the 2011 Regular Session of the 62nd Legislature, to read as follows:

PERMANENT RULES OF THE SENATE SIXTY-SECOND LEGISLATURE 2011

SECTION I - OFFICERS-MEMBERS-EMPLOYEES

- Rule 1** Duties of the President
- Rule 2** President Pro Tempore
- Rule 3** Secretary of the Senate
- Rule 4** Sergeant at Arms
- Rule 5** Subordinate Officers
- Rule 6** Employees
- Rule 7** Conduct of Members and Officers

SECTION II - OPERATIONS AND MANAGEMENT

- Rule 8** Payment of Expenses- Facilities and Operations
- Rule 9** Use of Senate Chambers
- Rule 10** Admission to the Senate
- Rule 11** ENGROSSED Printing of Bills
- Rule 12** Furnishing Full File of Bills
- Rule 13** Regulation of Lobbyists
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SECTION III - RULES AND ORDER

- Rule 15** Time of Convening
- Rule 16** Quorum
- Rule 17** Order of Business
- Rule 18** Special Order
- Rule 19** Unfinished Business
- Rule 20** Motions and Senate Floor Resolutions (How Presented)
- Rule 21** Precedence of Motions
- Rule 22** Voting
- Rule 23** Announcement of Vote
- Rule 24** Call of the Senate
- Rule 25** One Subject in a Bill
- Rule 26** No Amendment by Mere Reference to Title of Act

Rule 27

Reading of Papers

Rule 28

Comparing Enrolled and Engrossed Bills

SECTION IV - PARLIAMENTARY PROCEDURE

- Rule 29** Rules of Debate
- Rule 30** Recognition by the President
- Rule 31** Call for Division of a Question
- Rule 32** Point of Order- Decision Appealable
- Rule 33** Question of Privilege
- Rule 34** Protests
- Rule 35** Suspension of Rules
- Rule 36** Previous Question
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SECTION V - COMMITTEES

- Rule 41** Committees- Appointment and Confirmation
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- Rule 45** Committee Rules
- Rule 46** Committee Meetings During Sessions
- Rule 47** Reading of Reports
- Rule 48** Recalling Bills from Committees
- Rule 49** Bills Referred to Rules Committee
- Rule 50** Rules Committee
- Rule 51** Employment Committee
- Rule 52** Committee of the Whole
- Rule 53** Appropriation Budget Bills
- SECTION VI - BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS**
- Rule 54** Definitions
- Rule 55** Prefiling
- Rule 56** Introduction of Bills
- Rule 57** Amendatory Bills
- Rule 58** Joint Resolutions and Memorials
- Rule 59** Senate Concurrent Resolutions
- Rule 60** Committee Bills
- Rule 61** Committee Reference
- Rule 62** Reading of Bills
- Rule 63** First Reading
- Rule 64** Second Reading/Amendments
- Rule 65** Third Reading
- Rule 66** Scope and Object of Bill Not to be Changed
- Rule 67** Matter Related to Disagreement Between the Senate and House
- Rule 68** Bills Committed for Special Amendment
- Rule 69** Confirmation of Gubernatorial Appointees

**SECTION I
OFFICERS-MEMBERS-EMPLOYEES
Duties of the President**

Rule 1. 1. The president shall take the chair and call the senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the journal of the preceding day to be read. (See also Art. 3, Sec. 16, State Constitution.)

2. The president shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, legislative area, legislative offices or buildings, and legislative hearing and meeting rooms, shall order the sergeant at arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber. The use of cellular or digital telephones is prohibited within the senate chamber during floor session and within a hearing room during a committee hearing, and this prohibition shall be enforced in the same manner as any other breach of order and decorum.

3. The president shall have charge of and see that all officers and employees perform their respective duties, and shall have general control of the senate chamber and wings. (See also Art. 2, Sec. 10, State Constitution.)

4. The president may speak to points of order in preference to members, arising from the president's seat for that purpose, and shall decide all questions of order subject to an appeal to the senate by any member, on which appeal no member shall speak more than once without leave of the senate.

5. The president shall, in open session, sign all acts, addresses and joint resolutions. The president shall sign all writs, warrants and subpoenas issued by order of the senate, all of which shall be attested by the secretary. (See also Art. 2, Sec. 32, State Constitution.)

6. The president shall appoint all conference, special, joint and hereinafter named standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate. In the event the senate refuses to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

7. The president shall, on each day, announce to the senate the business in order, and no business shall be taken up or considered until the order to which it belongs shall be declared.

8. The president shall decide and announce the result of any vote taken.

9. When a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Sec. 10 and 22, State Constitution.)

President Pro Tempore

Rule 2. 1. Upon the organization of the senate the members shall elect one of their number as president pro tempore who shall have all the powers and authority and who shall discharge all the duties of lieutenant governor acting as president during the lieutenant governor's absence. The senate shall also elect a vice-president pro tempore who will serve in the absence of the lieutenant governor and the president pro tempore. (See Art. 2, Sec. 10, State Constitution.)

2. In the absence of the president pro tempore, and vice president pro tempore, or with their consent, the president shall have the right to name any senator to perform the duties of the chair, but such substitution shall not extend beyond an adjournment, nor authorize the senator so substituted to sign any documents requiring the signature of the president.

Secretary of the Senate

Rule 3. 1. The senate shall elect a secretary, who shall appoint a deputy secretary, both of whom shall be officers of the senate and shall perform the usual duties pertaining to their offices, and they shall hold office until their successors have been elected or appointed.

2. The secretary is the Personnel Officer of the senate and shall appoint, subject to the approval of the senate, all other senate employees and the hours of duty and assignments of all senate employees shall be under the secretary's directions and instructions and they may be dismissed at the secretary's discretion.

3. The secretary of the senate, prior to the convening of the next regular session, shall prepare his office to receive bills which the holdover members and members-elect may desire to prefile commencing with the first Monday in December preceding any regular session or twenty days prior to any special session of the legislature.

Sergeant at Arms

Rule 4. 1. The senate shall elect a sergeant at arms who shall perform the usual duties pertaining to that office, and shall hold office until a successor has been elected.

2. The sergeant at arms shall not admit to the floor of the senate during the time the senate is not convened any person other than specifically requested by a senator, the president, or the secretary of the senate, in writing or when personally accompanied by a senator.

Subordinate Officers

Rule 5. The subordinate officers of the senate shall perform such duties as usually pertain to their respective positions in legislative bodies under the direction of the president, and such other duties as the senate may impose upon them. Under no circumstances shall the compensation of any employee be increased for past services. (See also Art. 2, Sec. 25, State Constitution.)

Employees

Rule 6. 1. No senate employee shall lobby in favor of or against any matter under consideration.

2. Senate employees are governed by joint rules and chapters 42.17 (the Public Disclosure Act) and 42.52 RCW (the Ethics in Public Service Act).

Conduct of Members and Officers

Rule 7. 1. Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time. The use of cellular or digital telephones is prohibited within the senate chamber during floor session and within a hearing room during a committee hearing.

2. In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling the senator to order shall report the language excepted to which shall be taken down or noted at the secretary's desk. No member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted.

3. If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call that senator to order, and a senator so called to order shall resume the senator's seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion "that the senator be allowed to proceed in order," when, if carried, the senator shall speak to the question under consideration.

4. No senator shall be absent from the senate without leave, except in case of accident or sickness, and if any senator or officer shall be absent the senator's per diem shall not be allowed or paid, and no senator or officer shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present.

5. In the event of a motion or resolution to censure or punish, or any procedural motion thereto involving a senator, that senator shall not vote thereon. The senator shall be allowed to answer to such

motion or resolution. An election or vote by the senate on a motion to censure or punish a senator shall require the vote of a majority of all senators elected or appointed to the senate. A vote to expel a member shall require a two-thirds concurrence of all members elected or appointed to the senate. All votes shall be taken by yeas and nays and the votes shall be entered upon the journal. (See also Art. 2, Sec. 9, State Constitution.)

SECTION II

OPERATIONS AND MANAGEMENT

Payment of Expenses - Facilities and Operations

Rule 8. 1. After the reorganization caucuses of the Senate, the majority caucus shall designate four members and the minority caucus shall designate three members to serve on the Facilities and Operations Committee. The chair of the majority caucus shall be the chair of the Facilities and Operations Committee. The operation of the Senate shall transfer to the newly designated members after the reorganization caucuses of the Senate.

2. All necessary expenses of the senate incurred during the session shall be signed for by the secretary and approved by a majority of the committee on facilities and operations. The committee on facilities and operations shall carefully consider all items of expenditure ordered or contracted on the part of the senate, and report upon the same prior to the voucher being signed by the secretary of the senate authorizing the payment thereof. The committee on facilities and operations shall issue postage only as follows:

(a) To elected or appointed members of the senate in an amount sufficient to allow performance of their legislative duties.

(b) To the secretary of the senate in an amount sufficient to carry out the business of the senate.

Use of Senate Chambers

Rule 9. The senate chamber and its facilities shall not be used for any but legislative business, except by permission of the senate while in session, or by the facilities and operations committee when not in session.

Admission to the Senate

Rule 10. The sergeant at arms shall admit only the following individuals to the floor and adjacent areas of the senate for the period of time beginning one-half hour before convening and ending when the senate has adjourned or recessed for an hour or more:

The governor and/or designees,
 Members of the house of representatives,
 State elected officials,
 Officers and authorized employees of the legislature,
 Honored guests being presented to the senate,
 Former members of the senate who are not registered lobbyists pursuant to chapter 42.17 RCW,
 Representatives of the press,
 Persons specifically requested by a senator to the president in writing or only as long as accompanied by a senator.

Printing of Bills

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Rule 11. The number of bills printed and reprinted shall be at the discretion of the secretary of the senate, with the approval of the facilities and operations committee.

Furnishing Full File of Bills

Rule 12. Persons, firms, corporations and organizations within the state, desirous of receiving copies of all printed senate bills, shall make application therefor to the secretary of the senate. The bill clerk shall send copies of all printed senate bills to such persons, firms, corporations and organizations as may be ordered by the secretary of the senate. The secretary of the senate is authorized to recoup costs.

Regulation of Lobbyists

Rule 13. All persons who engage in lobbying of any kind as defined in chapter 42.17 RCW shall be subject to the rules of the senate and legislature when lobbying before the senate. Any person who fails to conform to the senate or joint rules may have their privilege to lobby and all other privileges revoked upon a majority vote of the committee on rules for such time as is deemed appropriate by the committee.

Any person registered as a lobbyist pursuant to chapter 42.17 RCW who intervenes in or attempts to influence any personnel decision of the senate regarding any employee may suffer an immediate revocation of all privileges before the senate or such other privileges and for such time as may be deemed appropriate by the senate committee on rules. This restriction shall not prohibit a registered lobbyist from making written recommendations for staff positions.

Security Management

Rule 14. The sergeant at arms may develop methods to protect the Senate, including its members, staff, and the visiting public, by establishing procedures to curtail the use or possession of any weapon in a manner that is prohibited by law or by the rules of the Department of General Administration.

**SECTION III
RULES AND ORDER**

Time of Convening

Rule 15. The senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day. The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.

Quorum

Rule 16. A majority of all members elected or appointed to the senate shall be necessary to constitute a quorum to do business. Less than a quorum may adjourn from day to day until a quorum can be had. (See Art. 2, Sec. 8, State Constitution.)

Order of Business

Rule 17. After the roll is called and journal read and approved, business shall be disposed of in the following order:

- FIRST. Reports of standing committees.
- SECOND. Reports of select committees.
- THIRD. Messages from the governor and other state officers.
- FOURTH. Messages from the house of representatives.
- FIFTH. Introduction, first reading and reference of bills, joint memorials, joint resolutions and concurrent resolutions.
- SIXTH. Second reading of bills.
- SEVENTH. Third reading of bills.
- EIGHTH. Presentation of petitions, memorials and floor resolutions.
- NINTH. Presentation of motions.

The order of business established by this rule may be changed and any order of business already dealt with may be reverted or advanced to by a majority vote of those present.

All questions relating to the priority of business shall be decided without debate.

Messages from the governor, other state officers, and from the house of representatives may be considered at any time with the consent of the senate.

Special Order

Rule 18. The president shall call the senate to order at the hour fixed for the consideration of a special order, and announce that the special order is before the senate, which shall then be considered unless it is postponed by a majority vote of the members present, and any business before the senate at the time of the announcement of the special order shall take its regular position in the order of business, except that if a cutoff established by concurrent resolution occurs during the special order, the senate may complete the measure that was before the senate when consideration of the special order was commenced.

Unfinished Business

Rule 19. The unfinished business at the preceding adjournment shall have preference over all other matters, excepting special orders, and no motion or any other business shall be received without special leave of the senate until the former is disposed of.

**Motions and Senate Floor Resolutions
(How Presented)**

Rule 20. 1. No motion shall be entertained or debated until announced by the president and every motion shall be deemed to have been seconded. It shall be reduced to writing and read by the secretary, if desired by the president or any senator, before it shall be debated, and by the consent of the senate may be withdrawn before amendment or action.

2. The Senate shall consider no more than one floor resolution per day in session: Provided, That this rule shall not apply to floor resolutions essential to the operation of the Senate; and further Provided, That there shall be no limit on the number of floor resolutions considered on Senate pro forma session days. Senate floor resolutions shall be acted upon in the same manner as motions. All senate floor resolutions shall be on the secretary's desk at least twenty-four hours prior to consideration. Members' names shall only be added to the resolution if the member signs the resolution.

Members shall have until thirty minutes after the senate is convened the following day the senate is in a regular or pro forma session to add their names to the floor resolution. A motion may be made to close the period for signatures at an earlier time.

Precedence of Motions

Rule 21. When a motion has been made and stated by the chair the following motions are in order, in the rank named:

PRIVILEGED MOTIONS

Adjourn, recess, or go at ease
Reconsider
Demand for call of the senate
Demand for roll call
Demand for division
Question of privilege
Orders of the day

INCIDENTAL MOTIONS

Points of order and appeal
Method of consideration
Suspend the rules
Reading papers
Withdraw a motion
Division of a question

SUBSIDIARY MOTIONS

1st Rank: To lay on the table
2nd Rank: For the previous question
3rd Rank: To postpone to a day certain
To commit or recommit
To postpone indefinitely
4th Rank: To amend

No motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings, and when a question has been postponed indefinitely it shall not again be introduced during the session.

A motion to lay an amendment on the table shall not carry the main question with it unless so specified in the motion to table.

At no time shall the senate entertain a Question of Consideration.

Voting

Rule 22. 1. In all cases of election by the senate, the votes shall be taken by yeas and nays, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No senator shall be allowed to vote except when within the bar of the senate, or upon any question upon which he or she is in any way personally or directly interested, nor be allowed to explain a vote or discuss the question while the yeas and nays are being called, nor change a vote after the result has been announced. (See also Art. 2, Secs. 27 and 30, State Constitution.)

2. A member not voting by reason of personal or direct interest, or by reason of an excused absence, may explain the reason for not voting by a brief statement not to exceed fifty words in the journal.

3. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Rule 24.)

4. A senator having been absent during roll call may ask to have his or her name called. Such a request must be made before the result of the roll call has been announced by the president.

5. The passage of a bill or action on a question is lost by a tie vote, but when a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Secs. 10 and 22, State Constitution.)

6. The order of the names on the roll call shall be alphabetical by last name.

7. All votes in a committee shall be recorded, and the record shall be preserved as prescribed by the secretary of the senate. One-sixth of the committee may demand an oral roll call.

8. If a member of the majority is going to be absent due to a health matter or other emergency, then a member of the minority may publicly announce on the floor of the senate that he or she will cast votes as he or she believes the absent member would have voted in order to avoid results that would only occur because of the unanticipated absence.

Announcement of Vote

Rule 23. The announcement of all votes shall be made by the president.

Call of the Senate

Rule 24. Although a roll call is in progress, a call of the senate may be moved by three senators, and if carried by a majority of all present the secretary shall call the roll, after which the names of the absentees shall again be called. The doors shall then be locked and the sergeant at arms directed to take into custody all who may be absent without leave, and all the senators so taken into custody shall be presented at the bar of the senate for such action as the senate may deem proper.

One Subject in a Bill

Rule 25. No bill shall embrace more than one subject and that shall be expressed in the title. (See also Art. 2, Sec. 19, State Constitution.)

No Amendment by Mere Reference to Title of Act

Rule 26. No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length. (See also Art. 2, Sec. 37, State Constitution.)

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Reading of Papers

Rule 27. When the reading of any paper is called for, and is objected to by any senator, it shall be determined by a vote of the senate, without debate.

Any and all copies of reproductions of newspaper or magazine editorials, articles or cartoons or publications or material of any nature distributed to senators' desks must bear the name of at least one senator granting permission for the distribution. This shall not apply to materials normally distributed by the secretary of the senate or the majority or minority caucuses.

Comparing Enrolled and Engrossed Bills

Rule 28. Any senator shall have the right to compare an enrolled bill with the engrossed bill and may note any objections in the Journal.

SECTION IV PARLIAMENTARY PROCEDURE Rules of Debate

Rule 29. When any senator is about to speak in debate, or submit any matter to the senate, the senator shall rise, and standing in place, respectfully address the President, and when recognized shall, in a courteous manner, speak to the question under debate, avoiding personalities; provided that a senator may refer to another member using the title "Senator" and the surname of the other member. No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the debate shall not be considered the same question. A majority of the members present may further limit the number of times a member may speak on any question and may limit the length of time a member may speak but, unless a demand for the previous question has been sustained, a member shall not be denied the right to speak at least once on each question, nor shall a member be limited to less than three minutes on each question. In any event, the senator who presents the motion may open and close debate on the question.

Recognition by the President

Rule 30. When two or more senators rise at the same time to address the chair, the president shall name the one who shall speak first, giving preference, when practicable, to the mover or introducer of the subject under consideration.

Call for Division of a Question

Rule 31. Any senator may call for a division of a question, which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the senate; but a motion to strike out and insert shall not be divided.

Point of Order - Decision Appealable

Rule 32. Every decision of points of order by the president shall be subject to appeal by any senator, and discussion of a question of order shall be allowed. In all cases of appeal the question shall be:

"Shall the decision of the president stand as the judgment of the senate?"

Question of Privilege

Rule 33. Any senator may rise to a question of privilege and explain a personal matter by leave of the president, but shall not discuss any pending question in such explanations, nor shall any question of personal privilege permit any senator to introduce any person or persons in the galleries. The president upon notice received may acknowledge the presence of any distinguished person or persons.

A question of privilege shall involve only subject matter which affects the particular senator personally and in a manner unique and peculiar to that senator.

Protests

Rule 34. Any senator or senators may protest against the action of the senate upon any question. Such protest may be entered upon the journal if it does not exceed 200 words. The senator protesting shall file the protest with the secretary of the senate within 48 hours following the action protested.

Adoption and Suspension of Rules

Rule 35. 1. The permanent senate rules adopted at the first regular session during a legislative biennium shall govern any session subsequently convened during the same legislative biennium. Adoption of permanent rules may be by majority of the senate without notice and a majority of the senate may change a permanent rule without notice at the beginning of any session, as determined pursuant to Article 2, Section 12 of the State Constitution. No permanent rule or order of the senate shall be rescinded or changed without a majority vote of the members, and one day's notice of the motion.

2. A permanent rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present unless otherwise specified herein. When the suspension of a rule is called, and after due notice from the president no objection is offered, the president may announce the rule suspended, and the senate may proceed accordingly. Motion for suspension of the rules shall not be debatable, except, the mover of the motion may briefly explain the purpose of the motion and at the discretion of the president a rebuttal may be allowed.

Previous Question

Rule 36. The previous question shall not be put unless demanded by three senators, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, except the senator who presents the motion may open and close debate on the question and the vote shall be immediately taken on the question or questions pending before the senate, and all incidental question or questions of order arising after the motion is made shall be decided whether on appeal or otherwise without debate.

Reconsideration

Rule 37. 1. After the final vote on any measure, before the adjournment of that day's session, any member who voted with the

prevailing side may give notice of reconsideration unless a motion to immediately transmit the measure to the house has been decided in the affirmative. Such motion to reconsider shall be in order only under the order of motions of the day immediately following the day upon which such notice of reconsideration is given, and may be made by any member who voted with the prevailing side.

2. A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the senate adjourns while a motion to reconsider is pending or before passing the order of motions, the right to move a reconsideration shall continue to the next day of sitting. On and after the tenth day prior to adjournment sine die of any session, as determined pursuant to Article 2, Section 12, or concurrent resolution, or in the event that the measure is subject to a senate rule or resolution or a joint rule or concurrent resolution, which would preclude consideration on the next day of sitting a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.

Motion to Adjourn

Rule 38. Except when under call of the senate, a motion to adjourn shall always be in order. The name of the senator moving to adjourn and the time when the motion was made shall be entered upon the journal.

Yeas and Nays - When Must be Taken

Rule 39. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Senate Rules 22 and 24.)

Reed's Parliamentary Rules

Rule 40. The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the senate in all cases to which they are applicable, and in which they are not inconsistent with the rules and orders of this senate and the joint rules of this senate and the house of representatives.

**SECTION V
COMMITTEES**

Committees - Appointment and Confirmation

Rule 41. The president shall appoint all conference, special, joint and standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

The following standing committees shall constitute the standing committees of the senate:

Standing Committee

- 1. Agriculture & Rural Economic Development 8
- 2. Early Learning & K-12 Education(~~(11)~~) 8
- 3. Economic Development, Trade & Innovation(~~(7)~~) 9
- 4. Environment, Water & Energy(~~(11)~~) 9
- 5. Financial Institutions, Housing & Insurance..... 7
- 6. Government Operations, Tribal Relations & Elections 7
- 7. Health & Long-Term Care..... 9
- 8. Higher Education & Workforce Development(~~(10)~~) 9
- 9. Human Services & Corrections..... 7
- 10. Judiciary(~~(8)~~) 9
- 11. Labor, Commerce & Consumer Protection..... 7
- 12. Natural Resources(, Ocean & Recreation) & Marine Waters(~~(8)~~) 7
- 13. Rules.....(~~(18)~~) 20 (plus the Lieutenant Governor)
- 14. Transportation 16
- 15. Ways & Means.....(~~(22)~~) 20

Subcommittees

Rule 42. Committee chairs may create subcommittees of the standing committee and designate subcommittee chairs thereof to study subjects within the jurisdiction of the standing committee. The committee chair shall approve the use of committee staff and equipment assigned to the subcommittee. Subcommittee activities shall further be subject to facilities and operations committee approval to the same extent as are the actions of the standing committee from which they derive their authority.

Subpoena Power

Rule 43. Any of the above referenced committees, including subcommittees thereof, or any special committees created by the senate, may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. The committee chair shall file with the committee on rules, prior to issuance of any process, a statement of purpose setting forth the name or names of those subject to process. The rules committee shall consider every proposed issuance of process at a meeting of the rules committee immediately following the filing of the statement with the committee. The process shall not be issued prior to consideration by the rules committee. The process shall be limited to the named individuals and the committee on rules may overrule the service on an individual so named.

Duties of Committees

Rule 44. The several committees shall fully consider measures referred to them.

The committees shall acquaint themselves with the interest of the state specially represented by the committee, and from time to time present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the state: PROVIDED, That no executive action on bills may be taken during an interim.

Committee Rules

Rule 45. 1. At least five days notice shall be given of all public hearings held by any committee other than the rules committee. Such notice shall contain the date, time and place of such hearing

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together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing. By a majority vote of the committee members present at any committee meeting such notice may be dispensed with. The reason for such action shall be set forth in a written statement preserved in the records of the meeting.

2. No committee may hold a public hearing during a regular or extraordinary session on a proposal identified as a draft unless the draft has been made available to the public at least twenty-four hours prior to the hearing. This rule does not apply during the five days prior to any cutoff established by concurrent resolution nor does it apply to any measure exempted from the resolution.

3. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any committee or subcommittee of the senate shall be open to the public. In case of any disturbance or disorderly conduct at any such deliberations, the chair shall order the sergeant at arms to suppress the same and may order the meeting closed to any person or persons creating such disturbance.

4. No committee shall amend a measure, adopt a substitute bill, or vote upon any measure or appointment absent a quorum. A committee may conduct a hearing absent a quorum. A majority of any committee shall constitute a quorum and committees shall be considered to have a quorum present unless the question is raised. Any question as to quorum not raised at the time of the committee action is deemed waived.

5. Bills reported to the senate from a standing committee must have a majority report, which shall be prepared upon a printed standing committee report form; shall be adopted at a regularly or specially called meeting during a legislative session and shall be signed by a majority of the committee; and shall carry only one of the following recommendations:

- a. Do pass;
- b. Do pass as amended;
- c. That a substitute bill be substituted therefor, and the substitute bill do pass; or
- d. Without recommendation.

In addition to one of the above-listed recommendations, a report may also recommend that a bill be referred to another committee.

6. A majority report of a committee must carry the signatures of a majority of the members of the committee. In the event a committee has a quorum pursuant to subsection 4 of this rule, a majority of the members present may act on a measure, subject to obtaining the signatures of a majority of the members of the committee on the majority report.

7. Any measure, appointment, substitute bill, or amendment still within a committee's possession before it has been reported out to the full senate may be reconsidered to correct an error, change language, or otherwise accurately reflect the will of the committee in its majority and minority reports to the full senate. Any such reconsideration may be made at any time, by any member of the committee, provided that the committee has not yet reported the measure, appointment, substitute bill, or amendment out to the full senate. Any such reconsideration made after a vote has been taken or signatures obtained will require a new vote and signature sheet. Any measure which does not receive a majority vote of the members present may be reconsidered at that meeting and may again be considered upon motion of any committee member if one day's

notice of said motion is provided to all committee members. For purposes of this rule, a committee is deemed to have reported a measure, appointment, substitute bill, or amendment out when it has delivered its majority and minority reports to the senate workroom. After such delivery, the committee no longer has possession of the measure, appointment, substitute bill, or amendment and no further committee action, including reconsideration, may be taken.

8. Any member of the committee not concurring in the majority report may sign a minority report containing a recommendation of "do not pass" or "without recommendation," which shall be signed by those members of the committee subscribing thereto, and submitted with the majority report. In every case where a majority report form is circulated for signature, a minority report form shall also be circulated.

9. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute bill the first time and have the same ordered printed.

A motion for the substitution of the substitute bill for the original bill shall not be in order until the committee on rules places the original bill on the second reading calendar.

10. No vote in any committee shall be taken by secret ballot nor shall any committee have a policy of secrecy as to any vote on action taken in such committee.

11. All reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session. During any special session of the legislature, this rule may be suspended by a majority vote.

Committee Meetings During Sessions

Rule 46. No committee shall sit during the daily session of the senate unless by special leave.

No committee shall sit during any scheduled caucus.

Reading of Reports

Rule 47. The majority report, and minority report, if there be one, together with the names of the signers thereof, shall be read by the secretary, unless the reading be dispensed with by the senate, and all committee reports shall be spread upon the journal.

Recalling Bills from Committees

Rule 48. Any standing committee of the senate may be relieved of further consideration of any bill, regardless of prior action of the committee, by a majority vote of the senators elected or appointed. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.

Bills Referred to Rules Committee

Rule 49. All bills reported by a committee to the senate shall then be referred to the committee on rules for second reading without action on the report unless otherwise ordered by the senate. (See also Rules 63 and 64.)

Rules Committee

Rule 50. The lieutenant governor shall be a voting member and the chair of the committee on rules. The committee on rules shall have charge of the daily second and third reading calendar of the senate and shall direct the secretary of the senate the order in which the bills shall be considered by the senate and the committee on rules shall have the authority to directly refer any bill before them to any other standing committee. Such referral shall be reported out to the senate on the next day's business.

The senate may change the order of consideration of bills on the second or third reading calendar.

The calendar, except in emergent situations, as determined by the committee on rules, shall be on the desks and in the offices of the senators each day and shall cover the bills for consideration on the next following day.

Employment Committee

Rule 51. The employment committee for committee staff shall consist of five members, three from the majority party and two from the minority party. The chair shall be appointed by the majority leader. The committee shall, in addition to its other duties, appoint a staff director for committee services with the concurrence of four of its members. All other decisions shall be determined by majority vote. The committee shall operate within staffing, budget levels and guidelines as authorized and adopted by the facilities and operations committee.

Committee of the Whole

Rule 52. At no time shall the senate sit as a committee of the whole.

The senate may at any time, by the vote of the majority of the members present, sit as a body for the purpose of taking testimony on any measure before the senate.

Appropriation Budget Bills

Rule 53. No amendment to the budget, capital budget or supplemental budget, not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of sixty percent of the senators elected or appointed.

SECTION VI BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS

Definitions

Rule 54. "Measure" means a bill, joint memorial, joint resolution, or concurrent resolution.

"Bill" when used alone means bill, joint memorial, joint resolution, or concurrent resolution.

"Majority" shall mean a majority of those members present unless otherwise stated.

Prefiling

Rule 55. Holdover members and members-elect to the senate may prefile bills with the secretary of the senate on any day commencing with the first Monday in December preceding any session year; or

twenty days prior to any special session of the legislature. Such bills will be printed, distributed and prepared for introduction on the first legislative day. No bill, joint memorial or joint resolution shall be prefiled by title and/or preamble only. (See also Rule 3, Sub. 3.)

Introduction of Bills

Rule 56. All bills, joint resolutions and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. Any member desiring to introduce a bill, joint resolution or joint memorial shall file the same with the secretary of the senate by noon of the day before the convening of the session at which said bill, joint resolution or joint memorial is to be introduced.

After the expiration of deadlines for bill introductions provided for by resolution, no bill shall be introduced, except as the legislature shall direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session. The time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills. (See also Art. 2, Sec. 36, State Constitution.)

Amendatory Bills

Rule 57. Bills introduced in the senate intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. No bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

Sections added by amendatory bill to an existing act, or chapter of the official code, need not be underlined but shall be designated "NEW SECTION" in upper case type and such designation shall be underlined. New enactments need not be underlined.

When statutes are being repealed, the Revised Code of Washington section number to be repealed, the section caption and the session law history, from the most current to the original, shall be cited.

Joint Resolutions and Memorials

Rule 58. Joint resolutions and joint memorials, up to the signing thereof by the president of the senate, shall be subject to the rules governing the course of bills.

Senate Concurrent Resolutions

Rule 59. Concurrent resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call. Concurrent resolutions authorizing investigations and authorizing the expenditure or allocation of any money must be adopted by roll call and the yeas and nays recorded in the journal. Concurrent resolutions are subject to final passage on the day of the first reading without regard to Senate Rules 62, 63, and 64.

Committee Bills

Rule 60. Committee bills introduced by a standing committee during a legislative session may be filed with the secretary of the

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senate and introduced, and the signature of each member of the committee shall be endorsed upon the cover of the original bill.

All amendments adopted on the second reading shall then be securely fastened to the original bill.

Committee bills shall be read the first time by title, ordered printed, and referred to the committee on rules for second reading.

All amendments rejected by the senate shall be spread upon the journal, and the journal shall show the disposition of all amendments.

Committee Reference

Rule 61. When a motion is made to refer a subject, and different committees are proposed, the question shall be taken in the following order:

- FIRST: A standing committee.
- SECOND: A select committee.

When no further amendments shall be offered, the president shall declare the bill has passed its second reading, and shall be referred to the committee on rules for third reading.

Third Reading

Rule 65. Bills on third reading shall be read in full by sections, and no amendment shall be entertained.

Reading of Bills

Rule 62. Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule. On and after the tenth day preceding adjournment sine die of any session, or three days prior to any cut-off date for consideration of bills, as determined pursuant to Article 2, Section 12 of the Constitution or concurrent resolution, or during any special session of the legislature, this rule may be suspended by a majority vote. (See also Rule 59).

When a bill shall pass, it shall be certified to by the secretary, together with the vote upon final passage, noting the day of its passage thereon.

The vote must be taken by yeas and nays, the names of the senators voting for and against the same to be entered upon the journal and the majority of the members elected to the senate must be recorded thereon as voting in its favor to secure its passage by the senate.

First Reading

Rule 63. The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

Scope and Object of Bill Not to be Changed

Rule 66. No amendment to any bill shall be allowed which shall change the scope and object of the bill. (See also Art. 2, Sec. 38, State Constitution.) Substitute bills shall be considered amendments for the purposes of this rule. A point of order raising the question of scope and object may be raised at any time during consideration of an amendment prior to voting on the amendment. A proposed amendment to an unamended title-only bill shall be within the scope and object of the bill if the subject of the amendment fits within the language in the title.

After the first reading, bills shall be referred to an appropriate committee pursuant to Rule 61.

Upon being reported back by committee, all bills shall be referred to the committee on rules for second reading, unless otherwise ordered by the senate. (See Rule 49.)

Matters Related to Disagreement Between the Senate and House

A bill shall be reported back by the committee chair upon written petition therefor signed by a majority of its members. The petition shall designate the recommendation as provided in Rule 45, Sub. 5.

Rule 67. When there is a disagreement between the senate and house on a measure before the senate, the senate may act upon the measure with the following motions which have priority in the following order:

No committee chair shall exercise a pocket veto of any bill.

Should there be a two-thirds majority report of the committee membership against the bill, a vote shall be immediately ordered for the indefinite postponement of the bill.

- To concur
- To non-concur
- To recede
- To insist
- To adhere

Second Reading/Amendments

Rule 64. Upon second reading, the bill shall be read section by section, in full, and be subject to amendment.

These motions are in order as to any single amendment or to a series of amendments. (See Reed's Rules 247 through 254.)

Any member may, if sustained by three members, remove a bill from the consent calendar as constituted by the committee on rules. A bill removed from the consent calendar shall take its place as the last bill in the order of consideration of bills on the second reading calendar.

A senate bill, passed by the house with amendment or amendments which shall change the scope and object of the bill, upon being received in the senate, shall be referred to an appropriate committee and shall take the same course as for original bills, unless a motion to ask the house to recede, to insist or to adhere is made prior to the measure being referred to committee.

No amendment shall be considered by the senate until it shall have been sent to the secretary's desk in writing and read by the secretary.

Bills Committed for Special Amendment

Rule 68. A bill may be committed with or without special instructions to amend at any time before taking the final vote.

Confirmation of Gubernatorial Appointees

Rule 69. When the names of appointees to state offices are transmitted to the Secretary of the Senate for senate confirmation, the communication from the governor shall be recorded and referred to the appropriate standing committee.

The standing committee, or subcommittee, pursuant to rule 42, shall require each appointee referred to the committee for consideration to complete the standard questionnaire to be used to ascertain the appointee's general background and qualifications. The committee may also require the appointee to complete a supplemental questionnaire related specifically to the qualifications for the position to which he has been appointed.

Any hearing on a gubernatorial appointment, held by the standing committee, or subcommittees, pursuant to rule 42, shall be a public hearing. The appointee may be required to appear before the committee on request. When appearing, the appointee shall be required to testify under oath or affirmation. The chair of the committee or the presiding member shall administer the oath or affirmation in accordance with RCW 44.16. (See also Article 2, Sec. 6 of the State Constitution.)

Nothing in this rule shall be construed to prevent a standing committee, or subcommittee, pursuant to rule 42, upon a two-thirds vote of its members, from holding executive sessions when considering an appointment.

When the committee on rules presents the report of the standing committee before the senate, the question shall be the confirmation of the name proposed, and the roll shall then be called and the yeas and nays entered upon the journal. In the event a message is received from the governor requesting return of an appointment or appointments to the office of the governor prior to confirmation, the senate shall vote upon the governor's request and the appointment or appointments shall be returned to the governor if the request is approved by a majority of the members elected or appointed. (Article 13 of the State Constitution.)

MOTION

Senator Murray moved that the following amendment by Senators Murray and Zarelli be adopted:

Strike all of Rule 53 and insert "**Rule 53.** Reserved"

Senators Murray, Hargrove, Zarelli and Sheldon spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Murray and Zarelli to Senate Resolution No. 8604.

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

MOTION

Senator Hobbs moved that Senate Rule 41 be amended to reflect the Committee on Early Learning & K-12 Education be set at ten members.

The President declared the question before the Senate to be the motion by Senator Hobbs that Senate Rule be amended to the

amendment to add 'ten' members on the Committee on Early Learning & K-12.

The motion by Senator Hobbs carried by a voice vote.

Senator Brown spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Engrossed Senate Resolution No. 8604.

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

POINT OF INQUIRY

Senator Hewitt: "Would Senator Brown yield to a question? Thank you, Senator Brown, would you be willing to do that with Ways & Means as well? Even steven."

Senator Brown: "Pardon me?"

The President declared the question before the Senate to be the adoption of Engrossed Senate Resolution No. 8604.

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

MOTION

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

MESSAGE FROM THE HOUSE

January 10, 2011

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION 4400,
HOUSE CONCURRENT RESOLUTION 4401,
HOUSE CONCURRENT RESOLUTION 4402,
HOUSE CONCURRENT RESOLUTION 4403.

and the same are 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

SB 5000 by Senators Haugen, Ericksen, Hatfield, Schoesler, Shin, Conway, Tom, Sheldon and Kilmer

AN ACT Relating to mandating a twelve-hour impound hold on motor vehicles used by persons arrested for driving under the influence of alcohol or drugs or being in physical control of a vehicle while under the influence of alcohol or drugs; amending RCW 46.55.113; reenacting and amending RCW 46.55.113; adding new sections to chapter 46.55 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

SB 5001 by Senators Stevens, Schoesler, Morton, Honeyford and Becker

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AN ACT Relating to unappropriated public lands; adding a new chapter to Title 79 RCW; creating new sections; prescribing penalties; and providing a contingent effective date.

Referred to Committee on Natural Resources & Marine Waters.

SB 5002 by Senators Stevens, Morton, Honeyford, Becker and Roach

AN ACT Relating to acquisition of federal property by eminent domain; adding a new section to chapter 8.04 RCW; and adding a new section to chapter 8.26 RCW.

Referred to Committee on Natural Resources & Marine Waters.

SB 5003 by Senators Schoesler and Shin

AN ACT Relating to an addition to the scenic and recreational highway system; and amending RCW 47.39.020.

Referred to Committee on Transportation.

SB 5004 by Senator Pflug

AN ACT Relating to disclosure and regulation of criminal informant evidence and testimony; and adding a new chapter to Title 10 RCW.

Referred to Committee on Judiciary.

SB 5005 by Senators Keiser, Honeyford, Pflug, Becker, Regala, Carrell, Hobbs, Nelson, Rockefeller, Shin and Chase

AN ACT Relating to exemption from immunization; and amending RCW 28A.210.090.

Referred to Committee on Health & Long-Term Care.

SB 5006 by Senators Honeyford, Sheldon, Prentice, Stevens, Swecker, Becker, Carrell, Zarelli, King, Schoesler, Ericksen, Morton and Holmquist Newbry

AN ACT Relating to the issuance of drivers' licenses, permits, and identicards to persons who are not lawfully within the United States; amending RCW 46.20.021, 46.20.035, 46.20.065, 46.20.070, 46.20.117, 46.20.181, and 46.20.207; and adding new sections to chapter 46.20 RCW.

Referred to Committee on Transportation.

SB 5007 by Senators Honeyford, Swecker, Becker, Stevens, Schoesler and Morton

AN ACT Relating to the public inspection and copying of voter registration information of criminal justice agency employees or workers; and amending RCW 29A.08.710.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 5008 by Senators Honeyford, Swecker, Stevens and Morton

AN ACT Relating to life insurance when an order regarding life sustaining treatment has been issued or implemented; adding a new section to chapter 48.23 RCW; and adding a new section to chapter 48.24 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5009 by Senators Kastama and Shin

AN ACT Relating to the authority of the department of information services to provide services to public agencies; and amending RCW 43.105.052.

Referred to Committee on Economic Development, Trade & Innovation.

SB 5010 by Senators White, Kline, Kohl-Welles, Keiser, Tom, Murray, Chase, Nelson and Haugen

AN ACT Relating to public funding for supreme court campaigns; amending RCW 42.17.390 and 42.17A.750; reenacting and amending RCW 3.62.060; adding new sections to chapter 42.17 RCW; adding a new section to chapter 36.18 RCW; creating new sections; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 5011 by Senators White, Kohl-Welles, Murray, Chase, Nelson and McAuliffe

AN ACT Relating to victimization of homeless persons; and reenacting and amending RCW 9.94A.535 and 9.94A.030.

Referred to Committee on Judiciary.

SB 5012 by Senators White and Kline

AN ACT Relating to the standard of review utilized by the growth management hearings board when hearing appeals under the growth management act; and amending RCW 36.70A.3201.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 5013 by Senator White

AN ACT Relating to the use of hearing examiners or local planning officials in a quasi-judicial land use permit process; amending RCW 36.70B.060, 35.63.130, 35A.63.170, 36.70.970, and 58.17.330; and creating a new section.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 5014 by Senators White, Chase and Nelson

AN ACT Relating to pro se defendants in criminal cases questioning victims; and creating a new section.

Referred to Committee on Judiciary.

SB 5015 by Senators White, Kohl-Welles and Nelson

AN ACT Relating to ballot tabulation; and amending RCW 29A.40.110.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 5016 by Senators White, Shin, Kohl-Welles and Prentice

AN ACT Relating to operating a motor vehicle while smoking; adding a new section to chapter 46.61 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SB 5017 by Senators Regala, Honeyford, Kastama, Pridemore, Delvin, Kilmer, Kline, Shin, Conway, Hewitt and Haugen

AN ACT Relating to providing a property tax exemption for property held under lease, sublease, or lease-purchase by a nonprofit organization that provides job training, placement, or preemployment services; adding a new section to chapter 84.36 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5018 by Senators Keiser, Conway, Shin, Schoesler, Hobbs, Kline and McAuliffe

AN ACT Relating to wound care management in occupational therapy; amending RCW 18.59.020 and 18.59.160; and adding a new section to chapter 18.59 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5019 by Senators Regala, Kline, Harper and Kohl-Welles

AN ACT Relating to privacy of nonconviction records; amending RCW 10.97.030, 10.97.040, and 10.97.060; adding a new section to chapter 26.50 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 5020 by Senators Murray, Regala, Kohl-Welles, Prentice and Chase

AN ACT Relating to protecting consumers by assuring persons using the title of social worker have graduated with a degree in social work from an educational program accredited by the council on social work education; amending RCW 10.77.010, 13.34.260, 26.09.191, 26.10.160, 28A.170.080, 70.96A.037, 70.96B.010, 70.97.010, 70.126.020, 70.127.010, 71.32.020, 71.34.020, 74.13.029, and 74.34.020; reenacting and amending RCW 71.05.020 and 74.42.010; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 5021 by Senators Pridemore, Kline, Kohl-Welles, Keiser, Prentice, Tom, Chase, White, Nelson, Haugen and McAuliffe

AN ACT Relating to enhancing election campaign disclosure requirements to promote greater transparency for the public; amending RCW 42.17.020, 42.17.040, 42.17.120, 42.17A.435, 42.17.3691, 42.17A.245, 42.17.390, 42.17A.750, 42.17.395, and 42.17A.755; reenacting and amending RCW 42.17A.005 and 42.17A.205; adding a new section to chapter 42.17 RCW; adding a new section to chapter 42.17A RCW; creating a new section; prescribing penalties; providing an effective date; and providing expiration dates.

Referred to Committee on Government Operations, Tribal Relations & Elections.

SB 5022 by Senators Kilmer, Regala, Pflug and Rockefeller

AN ACT Relating to clarifying the statute of limitations for any court action brought under RCW 42.56.550; reenacting and amending RCW 42.56.550; and creating a new section.

Referred to Committee on Judiciary.

SB 5023 by Senators Prentice, McAuliffe, Litzow, Shin, Kline, Pflug, Fraser, Chase and Rockefeller

AN ACT Relating to nonlegal immigration-related services; amending RCW 19.154.010, 19.154.020, 19.154.060, 19.154.090, and 19.154.900; adding a new section to chapter 19.154 RCW; repealing RCW 19.154.030, 19.154.040, 19.154.050, 19.154.070, 19.154.080, and 19.154.902; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5024 by Senators Hargrove, Sheldon, Becker, Litzow, Haugen, Carrell, King, Honeyford, Shin, Kilmer, Regala, Pflug, Parlette, Rockefeller and McAuliffe

AN ACT Relating to restrictions on legal claims initiated by persons serving criminal sentences in correctional facilities; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Human Services & Corrections.

SB 5025 by Senators Hargrove, Becker, Sheldon, Litzow, Haugen, Carrell, White, King, Honeyford, Shin, Kilmer, Regala, Parlette, Conway, Tom, Rockefeller, Roach and Holmquist Newbry

AN ACT Relating to making requests by or on behalf of an inmate under the public records act ineligible for penalties; reenacting and amending RCW 42.56.550; creating a new section; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5026 by Senators Haugen, King, Schoesler, Hatfield, Shin, Hewitt, Roach and Holmquist Newbry

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AN ACT Relating to clarifying the definition of "farm vehicle" to encourage similar recognition in federal tax law; amending RCW 46.04.181; and creating a new section.

SB 5033 by Senators Pridemore, Swecker, Chase and Nelson

Referred to Committee on Transportation.

AN ACT Relating to the sale of water-sewer district real property; and amending RCW 57.08.016.

SB 5027 by Senators Haugen, King and Holmquist Newbry

Referred to Committee on Government Operations, Tribal Relations & Elections.

AN ACT Relating to requiring motorcycle manufacturers to indicate whether a motorcycle is for off-road use only; and adding a new section to chapter 46.70 RCW.

SB 5034 by Senators Kilmer, Kastama, Shin, Hatfield, Zarelli, Conway and Hewitt

Referred to Committee on Transportation.

AN ACT Relating to private infrastructure development; amending RCW 80.04.010, 80.04.110, 80.04.160, 80.04.250, 80.04.500, 80.28.010, 80.28.020, 80.28.030, 80.28.040, 80.28.050, 80.28.060, 80.28.080, 80.28.090, 80.28.100, 80.28.110, 80.28.120, 80.28.130, 80.28.185, 80.28.240, 80.28.270, 80.28.275, 7.60.025, and 36.94.110; adding new sections to chapter 80.28 RCW; adding a new section to chapter 80.04 RCW; creating new sections; and providing an effective date.

SB 5028 by Senators Haugen, Stevens, Harper and Shin

AN ACT Relating to triage facilities; amending RCW 71.05.153 and 10.31.110; and reenacting and amending RCW 71.05.020.

Referred to Committee on Economic Development, Trade & Innovation.

Referred to Committee on Human Services & Corrections.

SB 5029 by Senators Kohl-Welles, White, King, Honeyford, Holmquist Newbry, Kline, Conway, Tom, Chase, Hewitt, Harper, Nelson and McAuliffe

SB 5035 by Senators Shin, Honeyford and Kohl-Welles

AN ACT Relating to beer and wine tasting at farmers markets; amending RCW 66.24.170 and 66.28.040; reenacting and amending RCW 66.24.244; creating a new section; and providing an expiration date.

AN ACT Relating to the manufactured/mobile home landlord-tenant act; and adding a new section to chapter 59.20 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 5030 by Senators Hewitt, Sheldon, Schoesler and Rockefeller

SB 5036 by Senators Regala, Swecker and Fraser

AN ACT Relating to civil judgments for assault; amending RCW 72.09.015 and 72.09.480; reenacting and amending RCW 72.09.111; and prescribing penalties.

AN ACT Relating to eliminating expiration dates for the derelict vessel and invasive species removal fee; and amending RCW 88.02.640 and 43.21A.667, 43.43.400, and 77.12.879.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Natural Resources & Marine Waters.

SB 5031 by Senators Kline, Carrell, Conway, Sheldon and Roach

SUPPLEMENTAL INTRODUCTION AND FIRST READING

AN ACT Relating to including correctional employees who have completed government-sponsored law enforcement firearms training to the lists of law enforcement personnel that are exempt from certain firearm restrictions; and amending RCW 9.41.060 and 9.41.300.

HCR 4400 by Representatives Sullivan and Kretz

Notifying the Governor that the Legislature is ready to conduct business.

Referred to Committee on Judiciary.

HCR 4401 by Representatives Sullivan and Kretz

Calling joint sessions for various purposes.

SB 5032 by Senators Pridemore, Swecker and Chase

HCR 4402 by Representatives Sullivan and Kretz

AN ACT Relating to the membership of metropolitan water pollution abatement advisory committees; and amending RCW 35.58.210.

Establishing cutoff dates.

Referred to Committee on Government Operations, Tribal Relations & Elections.

HCR 4403 by Representatives Sullivan and Kretz

Adopting joint rules.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exceptions of Senate Bill No. 5028 which was referred to the Committee on Human Services & Corrections and House Concurrent Resolution No. 4400; House Concurrent Resolution No. 4401; House Concurrent Resolution No. 4402; and House Concurrent Resolution No. 4403 which placed on second the reading calendar under suspension of the rules.

MOTION

On motion of Senator Eide, House Concurrent Resolution No. 4402 was held 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. 4400, by Representatives Sullivan and Kretz

Notifying the Governor that the Legislature is ready to conduct business.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4400 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4400.

HOUSE CONCURRENT RESOLUTION NO. 4400, was adopted on third reading by voice vote.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with House Concurrent Resolution No. 4400, the President appointed Senators Parlette and Kilmer to notify the Governor that the Legislature was organized and ready to conduct business.

MOTION

On motion of Senator Eide, the appointments were confirmed.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4401, by Representatives Sullivan and Kretz

Calling joint sessions for various purposes.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4401 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4401.

HOUSE CONCURRENT RESOLUTION NO. 4401, was adopted on third reading by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4403, by Representatives Sullivan and Kretz

Adopting joint rules.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4403 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4403.

HOUSE CONCURRENT RESOLUTION NO. 4403, was adopted on third reading by voice vote.

STANDING COMMITTEE ASSIGNMENTS

The President announced the following 2011 Standing Committee assignments.

2011 PROPOSED SENATE STANDING COMMITTEE ASSIGNMENTS

Agriculture & Rural Economic Development (8) -- Hatfield, Chair; Shin, Vice Chair; *Delvin; Becker; Haugen; Hobbs; Honeyford; Schoesler

Early Learning & K-12 Education (10) -- McAuliffe, Chair; Harper, Vice Chair; *Litzow; Eide; Fain; Hill; Hobbs; King; Nelson; Tom

Economic Development, Trade & Innovation (9) -- Kastama, Chair; Chase, Vice Chair; *Baumgartner; Benton; Hatfield; Holmquist Newbry; Kilmer; Shin; Zarelli

Environment, Water & Energy (9) -- Rockefeller, Chair; Nelson, Vice Chair; *Honeyford; Chase; Delvin; Fraser; Holmquist Newbry; Morton; Ranker

Financial Institutions, Housing & Insurance (7) -- Hobbs, Chair; Prentice, Vice Chair; *Benton; Fain; Haugen; Keiser; Litzow

Government Operations, Tribal Relations & Elections (6) -- Pridemore, Chair; Prentice, Vice Chair; *Swecker; Chase; Nelson; Roach

Health & Long-Term Care (9) -- Keiser, Chair; Conway, Vice Chair; *Becker; Carrell; Kline; Murray; Parlette; Pflug; Pridemore

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Higher Education & Workforce Development (9) -- Tom, Chair; Shin, Vice Chair; *Hill; Baumgartner; Becker; Ericksen; Kastama; Kilmer; White

Human Services & Corrections (7) -- Hargrove, Chair; Regala, Vice Chair; *Stevens; Carrell; Ericksen; Harper; McAuliffe

Judiciary (8) -- Kline, Chair; Harper, Vice Chair; *Pflug; Carrell; Hargrove; Kohl-Welles; Regala; Roach

Labor, Commerce & Consumer Protection (7) -- Kohl-Welles, Chair; Conway, Vice Chair; *Holmquist Newbry; **King; Hewitt; Keiser; Kline

Natural Resources & Marine Waters (7) -- Ranker, Chair; Regala, Vice Chair; *Morton; Fraser; Hargrove; Stevens; Swecker

Rules (21) -- Lieutenant Governor, Chair; Prentice, Vice Chair; *Hewitt; Brown; Carrell; Eide; Fraser; Harper; Haugen; Keiser; King; Kline; Kohl-Welles; McAuliffe; Parlette; Pflug; Rockefeller; Schoesler; Stevens; White; Zarelli

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Transportation (16) -- Haugen, Chair; White, Vice Chair; *King; **Fain; Delvin; Eide; Ericksen; Hill; Hobbs; Litzow; Nelson; Prentice; Ranker; Sheldon; Shin; Swecker

Ways & Means (21) -- Murray, Chair; Kilmer, Vice Chair Capital Budget; *Zarelli; Baumgartner; Brown; Conway; Fraser; Hatfield; Hewitt; Holmquist Newbry; Honeyford; Kastama; Keiser; Kohl-Welles; Parlette; Pflug; Pridemore; Regala; Rockefeller; Schoesler; Tom

MOTION

On motion of Senator Eide, Senator Fain was added to the Committee on Early Learning & K-12 Education.

MOTION

Senator Eide moved that the appointments be confirmed.

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE

CANVASS OF THE RETURNS
OF THE GENERAL ELECTION
HELD ON NOVEMBER 2, 2010

I, Sam Reed, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.250, I have canvassed the returns of the 2,565,589 votes cast by the 3,601,268 registered voters of the state for all federal and statewide offices, and those legislative and judicial offices whose jurisdiction encompasses more than one county in the general election held on the 2nd day of November, 2010, as received from the County Auditors, and that the votes cast for candidates for these offices are as follows:

U.S. Senator

Patty Murray	(Prefers Democratic Party)	1,314,930
Dino Rossi	(Prefers Republican Party)	1,196,164

U.S. Congressional District 1 – Representative

Jay Inslee	(Prefers Democratic Party)	172,642
James Watkins	(Prefers Republican Party)	126,737

U.S. Congressional District 2 – Representative

John Koster	(Prefers Republican Party)	148,722
Rick Larsen	(Prefers Democratic Party)	155,241

U.S. Congressional District 3 – Representative

Denny Heck	(Prefers Democratic Party)	135,654
Jaime Herrera	(Prefers Republican Party)	152,799

U.S. Congressional District 4 – Representative

Doc Hastings	(Prefers Republican Party)	156,726
Jay Clough	(Prefers Democratic Party)	74,973

U.S. Congressional District 5 – Representative

Cathy McMorris Rodgers	(Prefers Republican Party)	177,235
Daryl Romeyn	(Prefers Democratic Party)	101,146

U.S. Congressional District 6 – Representative

Norm Dicks	(Prefers Democratic Party)	151,873
Doug Cloud	(Prefers Republican Party)	109,800

U.S. Congressional District 7 – Representative

Jim McDermott	(Prefers Democratic Party)	232,649
Bob Jeffers-Schroder	(Prefers Independent – No Party)	47,741

U.S. Congressional District 8 – Representative

Dave Reichert	(Prefers Republican Party)	161,296
Suzan DelBene	(Prefers Democratic Party)	148,581

U.S. Congressional District 9 – Representative

Adam Smith	(Prefers Democratic Party)	123,743
Richard (Dick) Muri	(Prefers Republican Party)	101,851

Legislative District 1 – State Representative Pos. 1

Derek Stanford	(Prefers Democratic Party)	29,181
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Dennis Richter	(Prefers Republican Party)	25,672
Legislative District 1 – State Representative Pos. 2		
Heidi Munson	(Prefers Republican Party)	26,704
Luis Moscoso	(Prefers Democratic Party)	27,736
Legislative District 2 – State Representative Pos. 1		
Jim McCune	(Prefers Republican Party)	31,459
Marilyn Rasmussen	(Prefers Democratic Party)	21,872
Legislative District 2 – State Representative Pos. 2		
J. T. Wilcox	(Prefers Republican Party)	29,995
Tom Campbell	(Prefers Republican Party)	19,751
Legislative District 7 – State Senator		
Bob Morton	(Prefers Republican Party)	39,694
Barbara Mowrey	(Prefers Democratic Party)	13,359
Legislative District 7 – State Representative Pos. 1		
Shelly Short	(Prefers Republican Party)	41,839
Legislative District 7 – State Representative Pos. 2		
Joel Kretz	(Prefers Republican Party)	41,998
Legislative District 9 – State Representative Pos. 1		
Susan Fagan	(Prefers Republican Party)	33,864
Legislative District 9 – State Representative Pos. 2		
Joe Schmick	(Prefers Republican Party)	29,056
Glen R. Stockwell	(Prefers Republican Party)	8,275
Legislative District 10 – State Representative Pos. 1		
Norma Smith	(Prefers Republican Party)	36,190
Laura Lewis	(Prefers Democratic Party)	23,546
Legislative District 10 – State Representative Pos. 2		
Barbara Bailey	(Prefers Republican Party)	34,700
Tom Riggs	(Prefers Democratic Party)	25,175
Legislative District 12 – State Representative Pos. 1		
Cary Condotta	(Prefers Republican Party)	35,630
Legislative District 12 – State Representative Pos. 2		
Mike Armstrong	(Prefers Republican Party)	23,643
Cliff Courtney	(Prefers Republican Party)	20,448
Legislative District 13 – State Senator		
Janéa Holmquist	(Prefers Republican Party)	35,432
Legislative District 13 – State Representative Pos. 1		
Judith (Judy) Warnick	(Prefers Republican Party)	34,889
Legislative District 13 – State Representative Pos. 2		

Bill Hinkle	(Prefers Republican Party)	34,923
Anthony (El Tigreiro) Novack	(Prefers Bull Moose Party)	6,134
Legislative District 15 – State Senator		
Jim Honeyford	(Prefers Republican Party)	25,864
Legislative District 15 – State Representative Pos. 1		
Bruce Chandler	(Prefers Republican Party)	20,712
Paul Spencer	(Prefers Democratic Party)	11,585
Legislative District 15 – State Representative Pos. 2		
David Taylor	(Prefers Republican Party)	19,951
Thomas (Tom) T. Silva	(Prefers Democratic Party)	11,970
Legislative District 16 – State Representative Pos. 1		
Maureen Walsh	(Prefers Republican Party)	33,793
Brenda High	(Prefers Constitution Party)	9,736
Legislative District 16 – State Representative Pos. 2		
Terry R. Nealey	(Prefers Republican Party)	36,405
Legislative District 18 – State Representative Pos. 1		
Dennis Kampe	(Prefers Democratic Party)	24,717
Ann Rivers	(Prefers Republican Party)	37,317
Legislative District 18 – State Representative Pos. 2		
Ed Orcutt	(Prefers Republican Party)	47,595
Legislative District 19 – State Representative Pos. 1		
Dean Takko	(Prefers Democratic Party)	26,504
Kurt Swanson	(Prefers Republican Party)	18,118
Legislative District 19 – State Representative Pos. 2		
Brian E. Blake	(Prefers Democratic Party)	23,354
Tim Sutinen	(Prefers Lower Taxes Party)	21,201
Legislative District 20 – State Representative Pos. 1		
Richard DeBolt	(Prefers Republican Party)	36,363
Corinne Tobeck	(Prefers Democratic Party)	20,278
Legislative District 20 – State Representative Pos. 2		
Gary Alexander	(Prefers Republican Party)	44,715
Legislative District 24 – State Representative Pos. 1		
Kevin Van De Wege	(Prefers Democratic Party)	34,977
Dan Gase	(Prefers Republican Party)	27,277
Legislative District 24 – State Representative Pos. 2		
Steve Tharinger	(Prefers Democratic Party)	32,300
Jim McEntire	(Prefers Republican Party)	29,427
Legislative District 26 – State Senator		
Derek Kilmer	(Prefers Democratic Party)	33,090

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Marty McClendon	(Prefers Republican Party)	23,179
Legislative District 26 – State Representative Pos. 1		
Jan Angel	(Prefers Republican Party)	33,716
Sumner Schoenike	(Prefers Democratic Party)	21,785
Legislative District 26 – State Representative Pos. 2		
Larry Seaquist	(Prefers Democratic Party)	28,942
Doug Richards	(Prefers Republican Party)	26,535
Legislative District 31 – State Senator		
Pam Roach	(Prefers Republican Party)	29,374
Matt Richardson	(Prefers Republican Party)	14,661
Legislative District 31 – State Representative Pos. 1		
Cathy Dahlquist	(Prefers Republican Party)	23,254
Shawn Bunney	(Prefers Republican Party)	20,479
Legislative District 31 – State Representative Pos. 2		
Christopher Hurst	(Prefers Independent Dem. Party)	27,396
Patrick Reed	(Prefers Republican Party)	19,815
Legislative District 32 – State Senator		
Maralyn Chase	(Prefers Democratic Party)	33,426
David Baker	(Prefers Republican Party)	21,775
Legislative District 32 – State Representative Pos. 1		
Cindy Ryu	(Prefers Democratic Party)	33,550
Art Coday	(Prefers Republican Party)	21,314
Legislative District 32 – State Representative Pos. 2		
Ruth Kagi	(Prefers Democratic Party)	35,344
Gary (G) Gagliardi	(Prefers Republican Party)	19,480
Legislative District 35 – State Senator		
Tim Sheldon	(Prefers Democratic Party)	34,130
Nancy (grandma) Williams	(Prefers Republican Party)	21,084
Legislative District 35 – State Representative Pos. 1		
Kathy Haigh	(Prefers Democratic Party)	28,590
Daniel (Dan) Griffey	(Prefers Republican Party)	27,566
Legislative District 35 – State Representative Pos. 2		
Fred Finn	(Prefers Democratic Party)	29,543
Linda Simpson	(Prefers Republican Party)	25,724
Legislative District 39 – State Representative Pos. 1		
Dan Kristiansen	(Prefers Republican Party)	31,578
Eleanor Walters	(Prefers Democratic Party)	21,544
Legislative District 39 – State Representative Pos. 2		
Kirk Pearson	(Prefers Republican Party)	41,784

Legislative District 40 – State Representative Pos. 1

Kristine Lytton	(Prefers Democratic Party)	33,304
Mike Newman	(Prefers Republican Party)	24,812

Legislative District 40 – State Representative Pos. 2

Jeff Morris	(Prefers Democratic Party)	33,064
John Swapp	(Prefers Republican Party)	25,079

Supreme Court – Justice Position 1

Jim Johnson		1,631,550
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Supreme Court – Justice Position 5

Barbara Madsen		1,597,645
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Supreme Court – Justice Position 6

Richard B. Sanders		971,803
Charlie Wiggins		984,948

Court of Appeals, Division 2, District 3 – Judge Position 2

Jill M. Johanson		151,785
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Court of Appeals, Division 3, District 1 – Judge Position 1

Laurel Siddoway		147,766
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Court of Appeals, Division 3, District 2 – Judge Position 1

Dennis Sweeney		104,008
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**Superior Court, Judge Position 1
(Klickitat and Skamania Counties)**

Brian Altman		8,325
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IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the state of Washington, this 2nd day of December 2010.

SAM REED
Secretary of State

(Seal)

FIRST DAY, JANUARY 10, 2011
 MESSAGE FROM THE GOVERNOR

2011 REGULAR SESSION

May 4, 2010

To the Honorable President and Members,
 The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 109; 117, page 17, lines 10-11; 127(27); 127(28); 127(31); 127(36); 127(38); 127(39); 129, page 35, lines 19-20; 129(3); 129(6); 131(2); 201(7); 204(3)(f); 205(1)(m); 205(1)(n); 205(1)(o); 205(1)(p); 205(1) (r); 205(1)(s); 206(20); 206(21); 207(2); 207(11); 209(14); 209(35); 209(38); 209(39); 209(40); 209(41); 209(42); 209(47); 212(6); 212(7); 214(7); 214(8); 221(21); 221(28); 223(2)(h); 303(3); 303(4); 304(4); 306(2); 308(15); 501(1)(b); 501(1)(f)(iv); 604(7); 605(5); 708; 717; 803, page 281, line 38, and page 282, lines 1-11; 803, page 283, lines 20-22; 803, page 283, lines 23-27; 803, page 285, lines 28-31; 902; 908; 920; 926; 937; and 939, Engrossed Substitute Senate Bill No.6444 entitled:

“AN ACT Relating to fiscal matters.”

I am vetoing the following appropriation items because of concerns with policy or technical issues relating to the legislative provisions:

Section 109, page 10, Supreme Court, Change to Fiscal Year 2011 General Fund-State Appropriation

The reduced appropriation to the Supreme Court in this section will impede the Court’s capacity to hear cases in a timely manner. The Court will work with the Legislature to implement budget reductions in the 2011 Supplemental Budget; therefore, I have vetoed Section 109.

Section 117, page 17, lines 10-11, Lieutenant Governor, Reduction to Private/Local Appropriation

The \$2,000 reduction in the existing private/local fund appropriation would require the agency to turn away grant funds from a local school district. For this reason, I have vetoed Section 117, lines 10-11.

Section 127(27), page 30, Department of Commerce, Microenterprise Development Organizations

This proviso prohibits the Department of Commerce from reducing the funding for microenterprise development organizations by more than ten percent this biennium. This restriction limits the agency’s ability to manage necessary budget reductions. For this reason, I have vetoed Section 127(27).

Section 127(28), pages 30-31, Department of Commerce, Workgroup to Study Gaps in State Commercialization Programs

This proviso requires the Department of Commerce to convene a work group to study the gaps and overlaps in programs that commercialize research and technology initiatives. This group must prepare a report to the Legislature no later than December 1, 2010, that identifies any gaps and overlaps, evaluates strategies to reduce administrative expenses, and recommends changes that would amplify and accelerate innovation-driver job creation in the state. No funding was provided for the review and study. For this reason, I have vetoed Section 127(28). However, I am directing the Department of Commerce to conduct as much of a

review as is possible within its existing resources because I believe the information required by the proviso will be useful.

Section 127(31), pages 31-32, Department of Commerce, Separate Budget Request for the Economic Development Commission

This proviso requires the Economic Development Commission, currently funded through the Department of Commerce, to develop a separate budget request and work plan. It also creates an account for the receipt of gifts, donations, sponsorships, or contributions from which only the Commission or its designee may authorize expenditures. Because the Economic Development Commission is part of the Department of Commerce, its budget and work plan is and should remain part of the Department’s budget requests. In addition, it is inappropriate to establish an account in an appropriations bill. For these reasons, I have vetoed Section 127(31).

Section 127(36), page 34, Department of Commerce, New Account for Washington Technology Center

This proviso creates the Investing in Innovation Account to be used only by the Washington Technology Center in carrying out the Investing in Innovation Grants Program and other innovation and commercialization activities. Since the Center is a non-profit organization, not a public agency, it cannot administer a state account. In addition, it is inappropriate to establish an account in an appropriations bill. For these reasons, I have vetoed Section 127(36).

Section 127(38), page 34, Department of Commerce, Washington State Quality Award Training for Small Manufacturers and Other Businesses

This subsection provides \$50,000 in General Fund-State funding for Washington State Quality Award Council training for small manufacturers and other businesses/organizations engaged in continuous quality improvement, performance measurements, strategic planning, and other approaches that enhance productivity. The state’s current and projected fiscal environment necessitates spending on only the most essential state programs and activities, and spending \$50,000 on this activity will provide minimal benefit to Washington’s small businesses. For this reason, I have vetoed Section 127(38).

Section 127(39), page 34, Department of Commerce, Appropriation to Manufacturing Innovation and Modernization Account

This subsection provides \$50,000 in General Fund-State funding for deposit into the Manufacturing Innovation and Modernization Account, which provides vouchers to small manufacturers to purchase consulting services from a qualified manufacturing extension partner affiliate. To date, no small manufacturers have taken advantage of this program, and approximately \$150,000 remains in the account. Given the state’s current and projected fiscal environment and the lack of demand for these services, an additional deposit of funds into this account does not seem warranted. For this reason, I have vetoed Section 127(39).

Section 129, page 35, lines 19-20, Office of Financial Management, Change to Fiscal Year 2011 General Fund-State Appropriation

The reduction to the Fiscal Year 2011 appropriation is vetoed in order to retain sufficient funds to conduct two critical budget-related studies; and independent assessment of placements in residential habilitation centers in Section 129(6) and an analysis and strategic business plan for the Consolidated

State Data Center and Office in section 129(7). Insufficient funds were provided to prepare a valuable study, and no new funds were provided for the Date Center study. The agency will still implement all administrative reductions assumed in the budget as passed, and the additional spending authority will be used to accomplish the new work assigned to the agency. For these reasons, I have vetoed Section 129, line 19-20.

Section 129(3), pages 36-37, Office of Financial Management, Washington State Quality Award Training

This subsection provides \$25,000 in General Fund-State funding for the Office of Financial Management to contract with the Washington State Quality Award Program to provide training for state managers and employees. The state's current and projected fiscal environment necessitates spending on only the most essential requirements. For this reason, I have vetoed Section 129(3).

Section 129(6), page 38, Office of Financial Management

The \$200,000 appropriation for this study is divided between two fiscal years so the Office of Financial Management will not be able to use half of the money, making it impossible to satisfactorily complete the review as envisioned. Therefore, I am vetoing section 129(6). In order to assess the status of people who currently live in residential habilitation centers, I am directing the Department of Social and Health Services to conduct assessments in a similar manner as is done for people in community residential programs. The assessments shall include interviews with all residential habilitation center residents or guardians of residents to determine the optimum setting for these individuals and shall include the option and choice to remain in a residential habilitation center. The Office of Financial Management shall contract with an independent consultant to review the assessments and determine whether there are funded options available in the community for residential habilitation center residents who indicate an interest in moving to a community placement and whether appropriate services and resources in the community exist or can be developed to provide adequate care for people with developmental disabilities. The consultant shall provide a report to me and the Legislature by December 1, 2010. For these reasons, I have vetoed Section 129(6).

Section 131(2), page 40, Department of Personnel, Employee Satisfaction Synopsis and Workforce Management Assessment

This proviso requires the Department of Personnel to provide a synopsis of survey data regarding state employee satisfaction and an assessment of career and executive work force management concerns. There is a technical problem with an incorrect reference to Section 119(4) instead of Section 123(4). For this reason, I am vetoing Section 131(2), but directing the Department to comply with the intent of the proviso to the degree possible within existing resources.

Section 201(7), page 58-59, Department of Social and Health Services, Audit and Oversight Improvement

This proviso requires multiple changes to the Department's audit and oversight programs. This requirement would create a significant administrative burden, and no funding was provided for this purpose. For this reason, I have vetoed Section 201(7).

Section 204(3)(f), pages 81-82, Department of Social and Health Services, Report on Mental Health Services for Children

The Department of Social and Health Services is directed to provide a report on improving services for children who are at

greatest risk of requiring long-term inpatient and residential care due to the severity of their emotional impairments. The proviso requires the Family Policy Council to prepare an inventory of current publicly funded efforts in Washington to identify children at risk of emotional impairments and to provide intervention before a mental disorder manifests itself. In light of national health care reform and the state's efforts to reorganize in response, requiring that a report be prepared by October 1, 2010, will not give the Department sufficient time to respond to health care reform, formulate a redesigned plan to address children's mental health, and work with the federal government. As the Department is currently involved in litigation regarding children's mental health, and because I believe that all aspects of the public children's mental health system need to be evaluated in light of national health care reform and because a deadline of October 1 does not provide sufficient time to respond, I have vetoed Section 204(3)(f).

Section 205(1)(m), page 88, Department of Social and Health Services, County Employment Funding

This proviso prohibits the Department of Social and Health Services from reducing expenditures for contracts with counties for employment assistance for people with developmental disabilities. This restriction limits the Department's ability to manage necessary budget reductions. Therefore, I have vetoed Section 205(1)(m).

Section 205(1)(n), page 88, Department of Social and Health Services Developmental Disabilities Program, Agency Provider Savings and Hourly Rates

The Department of Social and Health Services is directed to report on the fiscal impact of Chapter 571, Laws of 2009 (Substitute House Bill 2361) and the relative hourly costs of agency providers and individual providers. However, no funding is provided for this purpose. Therefore, I have vetoed Section 205(1)(n).

Section 205(1)(o), pages 88-89, Department of Social and Health Services Developmental Disabilities Program, Workgroup on Administrative Burdens for the Homecare Industry

The Department of Social and Health Services is directed to convene a new work group to address administrative burdens on the homecare industry and to report on its findings. However, no funding is provided. Therefore, I have vetoed Section 205(1)(o).

Section 205(1)(p), page 89, Department of Social and Health Services, Report on Placements for Residential Clients

This proviso requires a quarterly report on all placements for residential clients in the community protection and expanded community programs in the Division of Developmental Disabilities. Because of the cost involved, I have vetoed Section 205(1)(p) and am directing the Department of Social and Health Services to continue providing the quarterly reports which cover only new residential clients added to the programs in the current biennium.

Section 205(1)(r), page 89, Department of Social and Health Services, Self-Advocate Support

This section directs the Department of Social and Health Services to spend an additional \$100,000 to provide instruction in self-advocacy to families of individuals with developmental disabilities. In these difficult economic times, it is not prudent to expand services. For this reason, I have vetoed Section 205(1)(r).

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Section 205(1)(s), pages 89-90, Department of Social and Health Services, Community Support

The Department of Social and Health Services is directed to spend an additional \$100,000 for parent-to-parent networks and community support groups for people with developmental disabilities. In a time when we are reducing other valuable core services of state government, we cannot afford to expand these services. For this reason, I have vetoed Section 205(1)(s).

Section 206(20), page 97, Department of Social and Health Services Aging and Adult Services Program, Agency Provider Savings and Hourly Rates

The Department of Social and Health Services is directed to report on the fiscal impact of Chapter 571, Laws of 2009 (Substitute House Bill No. 2361) and the relative hourly costs of agency providers and individual providers. However, no funding is provided. Therefore, I have vetoed Section (206)(20).

Section 206(21), pages 97-98, Department of Social and Health Services Aging and Adult Services Program, Workgroup on Administrative Burdens for the Homecare Industry

The Department of Social and Health Services is directed to convene a new work group to address administrative burdens for the homecare industry and to report on its findings. However, no funding is provided. Therefore, I have vetoed Section 206(21).

Section 207(2), pages 101-102 Department of Social and Health Services, Subcabinet Report on WorkFirst

This proviso directs the WorkFirst Subcabinet and Department of Social and Health Services to report on services provided and accessed by both general population clients and limited English proficiency clients. No funding is provided for this report. Therefore, I have vetoed Section 207(2).

Section 207(11), page 106, Department of Social and Health Services, Limited English Proficiency Services

This proviso reinstates a portion of the reduction taken in the 2009-11 enacted budget for limited English proficiency services. Given the budget context, it is not appropriate to restore this reduction. Therefore, I have vetoed Section 207(11).

Section 209(14), page 112-113, Department of Social and Health Services, Disability Lifeline Report on Transition from Fee-for-Service to Managed Care

This revised proviso requires the Department of Social and Health Services to report to the Legislature by November 1, 2010, on the impact of moving Lifeline medical clients from fee-for-service to managed care, and expands the outcomes to be included in the evaluation currently required. Since there is a lengthy lag period between when services are received by a client and when they are paid for by the state, there will not be sufficient data to report. For this reason, I have vetoed Section 209(14).

Section 209(35), page 117, Department of Social and Health Services, Medication Therapy Management

This proviso requires the Department of Social and Health Services to enter into a contract for medication therapy management services only if the contractor guarantees the program will generate savings. While there may be merit in this concept, no additional administrative resources were provided for implementation. For this reason, I have vetoed Section 209(35).

Section 209(38), page 117, Department of Social and Health Services, Lowest Cost Prescription Drug Option

This proviso requires the Department of Social and Health Services to purchase a brand-name drug if the drug, after rebates and discounts, is the lowest-cost drug option. The Department has made good progress in reducing the growth in drug costs for state-purchased health care. This has been done through establishing a preferred drug list and emphasizing generic substitutes when appropriate. The Department will continue to purchase the lowest-cost drugs possible. However, there are challenges with implementing this requirement as written. In addition, no funding has been provided for this report. For these reasons, I have vetoed Section 209(38).

Section 209(39), page 117, Department of Social and Health Services, Report on new Prescription Drug Benchmark

The Department of Social and Health Services is required to report to the Legislature concerning the establishment of a new benchmark for prescription drugs to replace the Average Wholesale Price. No funding has been provided for this report. For this reason, I have vetoed Section 209(39).

Section 209(40), page 117, Department of Social and Health Services, School-based Medicaid Services

The proviso declares that sufficient funding is provided in the Appropriations Act to fund medical services provided to Medicaid clients in a school setting. This proviso restricts the agency's ability to limit services in this area should be budget situation demand it. For this reason, I have vetoed Section 209(40).

Section 209(41), page 118, Department of Social and Health Services, Pursuing and Reporting Drug Pricing Opportunities

The Department of Social and Health Services is required to report on the opportunities available to the state through the federal 340B drug pricing program. This program provides certain federally supported program discounts on prescription drugs used for outpatient services. No, funding was provided for this report. For this reason, I have vetoed Section 209(41).

Section 209(42), page 118, Department of Social and Health Services, Transition Plan to Move Fee-for-Service to Managed Care

The Department of Social and Health Services is required to develop a transition plan for the state's aged, blind, and disabled clients to move from a fee-for-service medical delivery system to a managed care delivery system. Since no funding was provided for this transition plan, I have vetoed Section 209(42). However, I am directing the Secretary of the Department of Social and Health Services and Administrator of the Health Care Authority to continue to assess the feasibility and cost effectiveness of moving from fee-for-service to managed care plans.

Section 209(47), pages 118-119, Department of Social and Health Services, Establishing Rates to Apple Health Managed Care

This proviso establishes the method by which premiums for the Apple Health Program will be established for rates set after July 1, 2010. As we move to implement national health care reform, it will be imperative that we retain as much flexibility as possible to control the cost of purchasing health care. As written, the proviso limits the Department of Social and Health Service's ability to adjust premiums to reflect the actual cost of providing health care within individual plans. For this reason, I have vetoed Section 209(47).

Section 212(6), page 121, Department of Social and Health Services, Governor's Juvenile Justice Advisory Committee

This proviso limits any budget cuts to the Governor's Juvenile Justice Advisory Committee. In this budget environment, state government should not be restricted from any possible avenues to reduce spending. Therefore, I have vetoed Section 212(6).

Section 212(7), pages 121-122, Department of Social and Health Services, Autism Health Coverage Study

The Department of Social and Health Services is directed to report, in collaboration with the Health Care Authority, on the fiscal impact of state-purchased health care to cover autism spectrum disorder diagnosis and treatment for individuals younger than 21 years. This is not the time to engage in new studies to assess the expansion of state-paid services, no matter how worthy. Therefore, I have vetoed Section 212(7).

Section 214(7), pages 124-125, Health Care Authority, Continuum of Care Pilot Project

This proviso directs the Health Care Authority to establish two pilot projects for low-income adults who are waiting for health care coverage from the Basic Health Plan. We are in the earliest stages of implementing national health care reform. At the same time, we struggle to maintain the state safety net in very difficult budget times. I need the Health Care Authority to focus on these two tasks. For this reason, I have vetoed Section 214(7).

Section 214(8), page 125, Health Care Authority, Nonsubsidized Basic Health Plan

The proviso directs the Health Care Authority, should it offer Basic Health Plan coverage to non-subsidized clients, to provide information concerning other health care coverage options. This requirement creates an unfunded administrative burden. It also duplicates the provision of such information currently available from the Office of the Insurance Commissioner. For this reason, I have vetoed Section 214(8).

Section 221(21), page 140, Department of Health, Funding for Nursing Commission Programs Related to Discipline, Impaired Practitioners and Expedited Credentials

This proviso, in combination with Section 926, reduces the library access surcharge applied to certification fees for nursing professionals. The surcharge, which all health professions pay, is used to provide access to health care literature through the University of Washington. This critical resource allows providers the opportunity to learn of best practices used in their professions and furthers the ongoing education of all health care professionals. While I support the purposes for which this funding would have been diverted, this funding source should continue to be dedicated to advancing the use of evidence-based health care practices in Washington. For this reason, I have vetoed Section 221(21).

Section 221(28), page 141, Department of Health, Tobacco Cessation Program Reductions

This proviso requires ten percent of every tobacco cessation program contract be directed for addressing minority populations. This proviso is unnecessary because the Tobacco Cessation Program in the aggregate spends eighteen percent of its resources to serve these target populations. Therefore, I have vetoed Section 221(28).

Section 223(2)(h), pages 144-145, Department of Corrections, Report on Earned Release Date

This proviso directs the Department of Corrections to submit a report by June 1, 2010, addressing issues related to the release of

offenders on the earned release date. This task cannot be completed in the short timeframe specified in the proviso. Therefore, I have vetoed Section 223(2)(h) and am directing the Department to submit its report to the Office of Financial Management and legislative fiscal committees by August 1, 2010. The Department will use this report to identify strategies to reduce the recent increase in the number of offenders held beyond their earned release dates, while maintaining public safety as a priority.

Section 303(3), pages 160-161, State Parks and Recreation Commission, Park Closure Language

Current budget language is revised to eliminate the provision that state parks may be closed if donation revenue is insufficient for ongoing operations. While this change does not appear to create an absolute prohibition on the closure of state parks, the revised language may create that impression. This would severely limit the agency's ability to manage state parks in the event that revenues drop below appropriated levels. For this reason, I have vetoed Section 303(3).

Section 303(4), page 161, State Parks and Recreation Commission, Restriction Closure of Tolmie State Park

This proviso prohibits the State Parks and Recreation Commission from closing Tolmie State Park. I have encouraged the Commission to continue pursuing the transfer of certain state parks in the event that revenues decrease to manage the statewide parks system within budget. The Commission needs to retain this flexibility. For these reasons, I have vetoed Section 303(4).

Section 304(4), page 162, Recreation and Conservation Funding Board, Extension of the Biodiversity Council

This proviso extends the Biodiversity Council for one year, through the end of Fiscal Year 2011. While I strongly support the work of the Biodiversity Council, I am asking the Natural Resources Cabinet to absorb the Council's oversight role. As we undergo the process of natural resources reform, the Natural Resources Cabinet will assume many leadership roles previously performed by other entities. For these reasons, I have vetoed Section 304(4).

Section 306(2), page 163, State Conservation Commission, Infrastructure Improvements Related to Wildlife Habitat

This proviso dedicates \$38,000 of the General Fund-State for improving infrastructure on state-owned lands in Kittitas County. While habitat improvements are an important step in managing the balance between wildlife conservation and grazing rights, funding for this endeavor can be pursued via other means, including State Conservation Commission grants, local conservation district funding, and private sources. The state's current and projected fiscal environment necessitates spending on essential services and programs. For these reason, I have vetoed Section 306(2).

Section 308(15), page 173, Department of Natural Resources, Excluding Shellfish Growers from the Department's Aquatic Habitat Conservation Plan

This proviso requires the Department of Natural Resources to exclude shellfish growers from its aquatic Habitat Conservation Plan if those growers have been issued a federal nationwide or individual permit. The Department and the shellfish industry have signed a Memorandum of Understanding which requires the Department and shellfish growers to finalize an agreement on shellfish aquaculture activities before the aquatic Habitat Conservation Plan is finalized. Because this is a collaborative effort, it would be inappropriate for the proviso to place

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restrictions on the unfinished product. For this reason, I have vetoed Section 308(15).

Section 501(1)(b), pages 182-183, Office of the Superintendent of Public Instruction, School District Reorganization Commission

This proviso creates a statewide commission on school district reorganization. I want school districts to focus their maximum attention on the immediate priorities of improving student learning and successfully implementing the next phase of education reforms. The charge to the Commission created in this proviso is very broad, and funding provided to the Office of the Superintendent of Public Instruction is insufficient to achieve the mandates of the proviso. For these reasons, I have vetoed Section 501(1)(b). The Joint Legislative Audit and Review Committee is conducting a study of the relationship between the cost of school districts and their enrollment size. Upon completion of its report, I encourage the Legislature and the Office of the Superintendent to explore opportunities for a focused review of school district organization.

Section 501(1)(f)(iv), page 185, Office of the Superintendent of Public Instruction, Exempting the Professional Educator Standards Board from Expenditure Restrictions

This section exempts the Professional Educator Standards Board from the restrictions on travel allowances and meeting costs that apply to other boards and commissions under Chapter 7, Laws of 2010, First Extraordinary Session (Engrossed Second Substitute House Bill No. 2617). This law allows agencies to seek exceptions to the travel and meeting restrictions for critically necessary work. To maintain consistency in the application of these restrictions among state boards and commissions, I have vetoed Section 501(1)(f)(iv).

Section 604(7), pages 243-244, University of Washington, Telecommunications Report

This subsection provides \$183,000 to the Technology Law and Public Policy Center at the University of Washington School of Law to prepare a report analyzing trends in the telecommunications industry and pathways for telecommunications reform. This work overlaps with the functions of the state Utilities and Transportation Commission. This expenditure does not meet the highest priorities of state government at this time. therefore I have vetoed Section 604(7).

Section 605(5), page 246, Washington State University, Business and Entrepreneurial Development Program Plan

This subsection provides \$100,000 to the Small Business Development Center at Washington State University to develop a state plan for coordination of small business and entrepreneurial development programs. Expenditure of funds on this effort does not meet the highest priorities of state government at this time. Therefore I have vetoed Section 605(5).

Section 708, pages 270-271, Washington Management Service and Exempt Management Services Reductions

This section ties to Section 2 of Engrossed Senate Bill No. 6503, which I have vetoed. The budget proviso assumes additional compensation reductions of \$10 million in General Fund-State funding from Washington Management Service and exempt managers, who comprise less than five percent of state employees. This cut would require that specified staff take nearly two weeks of temporary layoff time beyond the ten days included in ESB 6503. This inequity is likely to create problems in recruiting and retaining qualified and experienced workers, as

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well as be disruptive to normal state operations. Managers will be subject to temporary layoffs in the same proportion as all affected state employees. For these reasons, I have vetoed Section 708.

Section 717, pages 276-278, Agency Reallocation and Realignment of Washington Commission

Section 717 creates the Agency Reallocation and Realignment of Washington Commission. Its responsibilities would include examining current state operations and organization, and making proposals to reduce expenditures and to eliminate duplication and overlapping services. The sum of \$250,000 in General Fund-State dollars is provided for this purpose. While I strongly support these goals, there are programs that address the same concerns, most notably the Joint Legislative Audit and Review Committee, the Office of the State Auditor's performance audit program, the Governor's Government Management, Accountability, and Performance program, and the Office of Financial Management's Priorities of Government budget development process. I hope to have further discussions with legislative leadership to identify ways to address these issues within existing structures and resources. For these reasons, I have vetoed Section 717.

Section 803, page 281, line 38, and page 282, lines 1-11, Transfers from the Tobacco Settlement Account to the General Fund and the Life Sciences Discovery Fund

This transfer decreases funding for critical life sciences research by \$16.2 million, representing a 76 percent biennial reduction when coupled with the \$26 million reduction to the fund in the enacted 2009-11 biennial budget. In order to implement this level of reduction, the Life Sciences Discovery Authority would have to discontinue any future state grants for critical life sciences research. Funding at the current level is vital to accomplishing the state's Life Sciences Research and Development goal of tripling the State's life sciences research base and creating more than 20,000 new jobs. For this reason, I have vetoed Section 803, page 281, line 38, and page 282, lines 1 through 11.

Section 803, page 283, lines 20-22, Transfer from the Budget Stabilization Account to the General Fund

The transfers required by this budget appropriation were intended to take place if the Budget Stabilization Account transfers in House Bill 3197 did not occur. Since that measure passed and has been signed into law, the transfer is void. For this reason, I have vetoed Section 803, page 283, lines 20-22.

Section 803, page 283, lines 23-27, Transfer from the Liquor Revolving Account to the General Fund

This transfer is associated with a provision in Section 939 that allows restaurants and bars an exemption from paying a price increase on spirits. Since I have vetoed Section 939, I am also vetoing Section 803, page 283, lines 23-27.

Section 803, page 285, lines 28-31, Transfer from the Insurance Regulatory Account to the General Fund

This appropriation implements the transfer of \$10 million from the Insurance Commissioner's Regulatory Account to the General Fund-State authorized in Section 937. This transfer would place the Insurance Commissioner's Regulatory Account into a cash deficit position beginning in Fiscal Year 2011. For this reason, I have vetoed Section 803, page 285, lines 28-31.

Section 902, pages 289-290, Agency Staffing Report

The agency staffing report required by Section 902 adds another layer of complexity to the data already required to be reported through allotment and accounting systems. The addition of

monthly job class information adds immensely to agency workloads with seemingly minimal benefit. I am directing the Office of Financial Management to work with legislative fiscal staff to identify alternative reporting formats that can be useful without creating an unacceptable workload burden. For these reasons, I have vetoed Section 902.

Section 908, page 294, Electronic Renewal Notices

This proviso mandates that every state agency make all of its renewals electronic by July 1, 2012. While I support the customer convenience and potential cost savings from doing business by electronic means, we must first assess the question of whether agencies have the staffing and fiscal resources to accomplish this task. I will encourage all agencies to pursue electronic renewal options within their current budgets and to identify obstacles for possible consideration in the new biennial budget. For these reasons, I have vetoed Section 908.

Section 920, pages 301-302, Washington State Quality

Awards

Section 920 accelerates the date by which agencies must apply to the Washington State quality Awards program. It also limits that requirement for agencies that have more than 300 full-time equivalent employees. A great deal of time and effort is required for a well-executed Washington State Quality Award application. The new date of June 30, 2010, is too short a timeframe, especially for large agencies that may have to submit multiple applications. For these reasons, I am vetoing Section 920, pages 301-302.

Section 926, pages 306-307, Use of Surcharge for Nursing

Professional Credentials

Because I have vetoed the program enhancement (Section 221(21) supported by this funding, I am also vetoing Section 926, which authorizes the specific use of a portion of the existing surcharge on credential fees.

Section 937, pages 318-320, Authority for Transfer from the Insurance Regulatory Account to the General Fund

Section 937 amends RCW 48.02.190 and Section 1, Chapter 161, Laws of 2009, defining eligible uses of funds in the Insurance Commissioner's Regulatory Account, by permitting a current biennium transfer of excess fund balance to the General Fund-State. Since I have vetoed the transfer in Section 803, I am also vetoing the authorization in Section 937.

Section 939, pages 323-324, Exemption for Restaurants and Bars from Temporary Mark-up on Spirits

Section 939 exempts restaurants and bars from paying any price increase made by the Washington State Liquor Control Board during the 2009-11 Biennium if that increase relates to General Fund-State transfers or additional liquor profit distributions. Exempting restaurants and bars would reduce budgeted revenue assumptions by \$11 million. Of this amount, \$5.5 million directly affects the General Fun-State and its programs. The remaining shortfall could necessitate an increase in the price consumers pay at liquor stores. Restaurant and bars already receive discounts in price and tax exemptions and it is inappropriate to provide additional discounts at the expense of state programs. For this reason, I have vetoed Section 939.

For these reasons, I have vetoed Sections 109; 117, page 17, lines 10-11; 127(27); 127(28); 127(31); 127(36); 127(38); 127(39); 129, page 35, lines 19-20; 129(3); 129(6); 131(2); 201(7); 204(3)(f); 205(1)(m); 205(1)(n); 205(1)(o); 205(1)(p); 205(1) @; 205(1)(s); 206(20); 206(21); 207(2); 207(11); 209(14); 209(35);

209(38); 209(39); 209(40); 209(41); 209(42); 209(47); 212(6); 212(7); 214(7); 214(8); 221(21); 221(28); 223(2)(h); 303(3); 303(4); 304(4); 306(2); 308(15); 501(1)(b); 501(1)(f)(iv); 604(7); 605(5); 708; 717; 803, page 281, line 38, and page 282, lines 1-11; 803, page 283, lines 20-22; 803, page 283, lines 23-27; 803, page 285, lines 28-31; 902; 908; 920; 926; 937; and 939 of Engrossed Substitute Senate Bill No.6444.

With the exception of Sections 109; 117, page 17, lines 10-11; 127(27); 127(28); 127(31); 127(36); 127(38); 127(39); 129, page 35, lines 19-20; 129(3); 129(6); 131(2); 201(7); 204(3)(f); 205(1)(m); 205(1)(n); 205(1)(o); 205(1)(p); 205(1) @; 205(1)(s); 206(20); 206(21); 207(2); 207(11); 209(14); 209(35); 209(38); 209(39); 209(40); 209(41); 209(42); 209(47); 212(6); 212(7); 214(7); 214(8); 221(21); 221(28); 223(2)(h); 303(3); 303(4); 304(4); 306(2); 308(15); 501(1)(b); 501(1)(f)(iv); 604(7); 605(5); 708; 717; 803, page 281, line 38, and page 282, lines 1-11; 803, page 283, lines 20-22; 803, page 283, lines 23-27; 803, page 285, lines 28-31; 902; 908; 920; 926; 937; and 939, Engrossed Substitute Senate Bill No.6444 is approved.

CHRISTINE O. GREGOIRE,
Governor of Washington

MESSAGE FROM THE GOVERNOR

May 4, 2010

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 6, Engrossed Substitute Senate Bill No. 6872 entitled:

“AN ACT Relating to Medicaid nursing facility payments.”

This bill makes several changes to the nursing facility rate statute. Section 6 of this bill would reduce the financing allowance from 10 percent to 4 percent for assets purchased prior to May 17, 1999 and from 8.5 percent to 4 percent for assets purchased on or after May 17, 1999. These retroactive reductions in return on investments would apply to owners the state previously had urged to upgrade their facilities. Such changes could make additional needed investments unlikely.

For these reasons I have vetoed Section 6 of Engrossed Substitute Senate Bill No. 6872.

With the exception of Section 6, Engrossed Substitute Senate Bill No. 6872 is approved.

CHRISTINE O. GREGOIRE,
Governor of Washington

MESSAGE FROM THE GOVERNOR

April 27, 2010

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

FIRST DAY, JANUARY 10, 2011

I am returning herewith, without my approval as to Section 2, Engrossed Substitute Senate Bill No. 6503 entitled:

“AN ACT Relating to the operations of state agencies.”

This bill directs state agencies to achieve reductions in employee compensation costs. Section 2 of this bill would require additional compensation reductions of \$10 million General Fund State from Washington Management Service and exempt manager, who comprise less than five percent of state employees. A cut of this size, over such a small base, is too large to be practical. For example, it would take nearly two weeks of temporary layoff – over and above the ten days of layoff due to agency closures included in this bill – to reach this level of compensation reduction.

Managers will be subject to the temporary layoffs in proportion to all staff. Imposing this added reduction would interfere with recruiting and retaining qualified and experienced workers. It would likely cause salary inversion, making it particularly hard to promote senior state employees with technical skills into management jobs.

For these reasons I have vetoed Section 2 of Engrossed Substitute Senate Bill No. 6503.

With the exception of Section 2 of Engrossed Substitute Senate Bill No. 6503 is approved.

CHRISTINE GREGOIRE,
Governor of Washington

MESSAGE FROM THE GOVERNOR

April 23, 2010

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 7, Engrossed Second Substitute Senate Bill No. 6409 entitled:

“AN ACT Relating to creating the Washington opportunity pathways account.”

This bill creates the Washington Opportunity Pathways Account and directs that beginning in Fiscal Year 2011 net revenues from in-state lottery games that are not otherwise dedicated will be placed in this new account.

Section 7 of this bill requires costly consultation and studies of areas of lottery operations that already receive significant oversight. The section directs the Joint Legislative Audit and Review Committee (JLARC) to study the marketing and vendor expenditures and incentive payment programs of the Commission by November 1, 2010. The estimated costs of the studies are not funded in the budget. In addition, the Executive Committee of JLARC has requested this section be vetoed and that the study take place next biennium. I agree with the need for the study and request the committee to include it in their future planning.

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For these reasons I have vetoed Section 7 of Engrossed Second Substitute Senate Bill No. 6409.

With the exception of Section 7 of Engrossed Second Substitute Senate Bill No. 6409 is approved.

CHRISTINE GREGOIRE,
Governor of Washington

MESSAGE FROM THE GOVERNOR

April 2, 2010

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill 6343 entitled:

“AN ACT Relating to the establishment of the Washington Food policy forum.”

Improved coordination of efforts relating to our state food policy is needed. However, this bill identifies goals that overlap with existing state agency activities. This redundancy will lead to spending time and financial resources on issues already addressed by existing agency programs. In addition, this bill establishes a form consisting of 25 representatives and charges the forum with addressing a broad range of food system goals over the next five years. Experience teaches that the large size of the forum combined with a broad range of issues diminishes the prospects for success.

While I have vetoed this bill, I am committed to a more focused examination of state food policy, food-related programs, and food-related issues. I intend to issue an executive order directing the Departments of Health, Agriculture, and Social and Health Services, along with a request to the Conservation Commission and the Office of Superintendent of Public Instruction, to work collaboratively with other agencies and non-governmental organizations, to:

- a. Pursue federal and other grant source funds to identify gaps and opportunities to address food security, nutrition, and health of Washington citizens;
- b. Explore ways to promote nutrition, especially for those who are most in need;
- c. Help educate the public and policy makers on the status of hunger in Washington State, and the role they play in addressing issues of food security, nutrition and health; and
- d. Collaborate and coordinate with private, public and governmental organizations to support realistic solutions to improving food security, nutrition and health for all Washingtonians; and,
- e. Help educate the public and policy makers on the importance of farmland preservation and the importance of promoting Washington-grown products to farmers; markets, food banks, and institutions.

For these reasons I have vetoed Substitute Senate Bill 6343 in its entirety.

CHRISTINE GREGOIRE,
Governor of Washington

MESSAGE FROM THE GOVERNOR

April 1, 2010

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 1, Engrossed Substitute Senate Bill 6726 entitled:

“AN ACT Relating to making the governor the public employer of language access providers.”

This bill provides for collective bargaining between the Governor and language access providers. Section 1 creates a new workgroup, directed by the Office of Financial Management, charged with developing a plan to improve the efficiency and effectiveness for interpreter service delivery for the Department of Social and Health Services. The Office of Financial Management is to report the findings of the workgroup to the Legislature no later than September 30, 2010.

Collective bargaining for language access providers working with the Department of Social and Health Services does not require a legislatively mandated workgroup to make recommendations on improvements to the delivery of services. I am directing the Office of Financial Management and the Department of Social and Health Services to conduct an internal review resulting in recommendations to improve administrative efficiency and effectiveness of language access services and, as part of the review, to seek input from the appropriate stakeholders.

For these reasons I have vetoed Section 1 of Engrossed Substitute Senate Bill 6726.

With the exception of Section 1 Engrossed Substitute Senate Bill 6726 is approved.

CHRISTINE GREGOIRE,
Governor of Washington

MESSAGE FROM THE GOVERNOR

April 1, 2010

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Second Substitute Senate Bill 6575 entitled:

“AN ACT Relating to recommendations of the joint legislative task force on the underground economy.”

Second Substitute Senate Bill 6575 is designed to limit the underground construction economy by requiring contractors who fail to register with the Department of Labor and Industries to enroll in a training class in addition to registering with the department. First-time offenders who do so would be eligible for reduced fines. Narrowing the underground economy is a laudable goal, and one that should be pursued with stronger legislation. Despite its benefits, this bill has one significant negative outcome that cannot be ignored. By creating a dedicated account for revenues from contractor registrations, renewals course fees, and penalties, this bill would reduce net revenues to the state's general fund by more than \$2 million annually beginning in Fiscal Year 2012. In these difficult economic times, that reduction would have negative impacts greater than the benefits this legislation would provide. I would welcome similar legislation without the creation of a dedicated account. In addition, I am directing the Departments of Revenue, Labor and Industries, and Employment Security to continue interagency coordination of efforts with stakeholders to identify and sanction unregistered contractors.

For these reasons I have vetoed Second Substitute Senate Bill 6575 in its entirety.

CHRISTINE GREGOIRE,
Governor of Washington

MESSAGE FROM THE GOVERNOR

April 1, 2010

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 4 Engrossed Substitute Senate Bill 6476 entitled:

“AN ACT Relating to sex crimes involving minors.”

Section 4 requires the Department of Social and Health Services to provide a report to the relevant policy and fiscal committees of the Legislature by November 1, 2010, regarding the training needed to allow staff of the Children's Administration and crisis residential centers to work effectively with sexually exploited youth. The report must identify the evidence-based training programs to be used and the cost of such training. This section would be codified in chapter 13.32A RCW.

The Department will make the information available. A statutorily required report is unnecessary.

For these reasons, I have vetoed Section 4 of Engrossed Substitute Senate Bill 6476.

With the exception of Section 4, Engrossed Substitute Senate Bill 6476 is approved.

CHRISTINE GREGOIRE,
Governor of Washington

MESSAGE FROM THE GOVERNOR

FIRST DAY, JANUARY 10, 2011
 April 1, 2010

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To the Honorable President and Members,
 The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 9, 10, 14 and 15, Engrossed Substitute Senate Bill 6267 entitled:

“AN ACT Relating to water right processing improvements.”

This bill provides applicants and the Department of Ecology with tools that can be used, when appropriate, to expedite the processing of water right applications.

Sections 9 and 10 define the original location of a well associated with a water right claim as the area located within a one-quarter mile radius of the current well or wells. The original location of a well is used to determine when a replacement well requires a formal change to the water right.

The specific definitions in Sections 9 and 10 would reduce the Department of Ecology’s flexibility and impair its current discretion to decide when a replacement well warrants formal review and approval. Such flexibility and discretion is needed when the impacts of a replacement well will depend on the circumstances. Sections 14 and 15 provide expiration and effective dates for Sections 9 and 10, respectively.

For these reasons, I have vetoed Section 9, 10, 14 and 15 of Engrossed Second Substitute Senate Bill 6267.

With the exception of Sections 9, 10, 14 and 15 Engrossed Second Substitute Senate Bill 6267 is approved.

CHRISTINE GREGOIRE,
 Governor of Washington

MESSAGE FROM THE GOVERNOR

March 30, 2010

To the Honorable President and Members,
 The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 215(3); 215(5); 221(13); 303(43); 304(15); 401, page 89, lines 18-20, 23-25, and 26-27; and 602 of Engrossed Substitute Senate Bill 6381 entitled:

“AN ACT Relating to transportation funding and appropriations.”

Section 215(3), page 31, Department of Transportation

This proviso ties the appropriation contained within this subsection to either the Joint Legislative Audit and Review Committee (JLARC) or the Joint Transportation Committee (JTC) conducting an analysis identified in Sections 108(4) and 204 of this bill. This action effectively delegates appropriation authority to either the JLARC or the JTC. I believe that this delegation of authority will be remedied in the operating budget. For this reason, I have vetoed Section 215(3).

Section 215(5), page 32, Department of Transportation

This proviso requires the Department of Transportation to finalize all pending equal value exchange activities for the construction or improvement of facilities. Thereafter, the Department may not pursue any other equal value exchanges except to replace the Mount Baker headquarters office. Equal value exchanges are important tools that the Department uses to fund high priority facility projects. For this reason, I have vetoed Section 215(5).

Section 221(13), page 47, Department of Transportation

This proviso requires the Department of Transportation to implement a pilot program for the remainder of the 2009-11 Biennium to expand the use of high occupancy vehicle lanes, transit-only lanes, and certain park and ride facilities to private transportation providers. The proviso requires transit agencies and other local jurisdictions to have a process to receive applications for the reasonable use of these facilities. If a private transportation provider demonstrates that the transit agency or local jurisdiction failed to consider an application in good faith, the Department may not award any grant funding.

This proviso conflicts with federal regulations due to its broad allowance of the private use of public facilities. The Federal Transit Authority (FTA) requires specific authorization before allowing private transportation uses in federally funded public facilities. In addition, the issuance of grants to local jurisdictions for vanpools, special needs transportation, and other facilities to improve regional mobility should not be based upon the outcome of negotiations between local jurisdictions and private transportation providers.

For these reasons, I have vetoed Section 221(13).

Section 303(43), page 66, Department of Transportation

Section 304(15), page 72, Department of Transportation
 These provisos require that redistributed federal funds received by the Department of Transportation first be applied to offset planned expenditures of state funds, and second to offset planned expenditures of federal funds, on projects identified in the project list in the 2010 supplemental budget. If these options are not feasible, the Department must consult with the Joint Transportation Committee (JTC) prior to obligating redistributed federal funds. If such consultation is not feasible and Washington does not act quickly, we may lose the opportunity to receive redistributed federal funds. However, because input from the Legislature is important, I am directing the Department to consult with JTC members.

For this reason, I have vetoed Section 303(43) and Section 304(15).

Section 401, page 89, lines 18-20, 23-25, and 26-27, State Treasurer

This section provides for bond sale discounts and debt to be paid by the motor vehicle account and transportation fund revenue. Technical modeling problems resulted in some erroneous amounts.

For this reason, I have vetoed line 18-20, 23-25, and 26-27 of Section 401.

Section 602, page 96, Department of Transportation

This proviso requires that redistributed federal funds received by the Department of Transportation first be applied to offset planned expenditures of state funds, and second to offset planned

expenditures of federal funds, on projects indentified in the project list in the 2010 supplemental budget. If these options are not feasible, the Department must consult with the Joint Transportation Committee (JTC) prior to obligating redistributed federal funds. For the same reason that I vetoed Section 303(43) and Section 304(15) above, I have vetoed Section 602.

For these reasons, I have vetoed Sections 215(3); 215(5); 221(13); 303(43); 304(15); 401, page 89, lines 18-20, 23-25, 26-27 and 602, Engrossed Substitute Senate Bill 6381.

With the exception of Sections 215(3); 215(5); 221(13); 303(43); 304(15); 401, page 89, lines 18-20, 23-25, 26-27 and 602, Engrossed Substitute Senate Bill 6381 is approved.

CHRISTINE GREGOIRE,
Governor of Washington

MESSAGE FROM THE GOVERNOR

March 30, 2010

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 1 and 3, Engrossed Substitute Senate Bill 6392 entitled:

“AN ACT Relating to the use of revenue generated from tolling the state route number 520 corridor.”

Section 1 outlines legislative intent for the bill. I believe the legislation itself states clearly that improvements throughout the SR 520 corridor need to move forward, with the proper input from appropriate parties. However, Section 1 is vague and susceptible to conflicting interpretations, which I believe could hinder our ability to make progress on a project that is important to public safety and economic vitality.

Section 3 requires that the SR 520 bridge be no higher than 20 feet. I recognize it is important to local communities that the bridge have as low a profile as possible. Decisions regarding the dimensions of a transportation facility must also be based on engineering standards, safety considerations permitting requirements, and state and federal law. Section 3 potentially prevents the Department of Transportation from complying with Coast Guard requirements and eliminates any possibility of adjusting the size of the facility based upon design or permitting needs. As a result, I am vetoing this section and directing the Department to continue to work with neighborhoods and local governments to refine the preferred alternative design.

For these reasons, I have vetoed Sections 1 and 3 of Engrossed Substitute Senate Bill 6392.

With the exception of Sections 1 and 3, Engrossed Substitute Senate Bill 6392 is approved.

CHRISTINE GREGOIRE,
Governor of Washington

MESSAGE FROM THE GOVERNOR

March 29, 2010

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 2, Substitute Senate Bill 6572 entitled:

“AN ACT Relating to eliminating accounts.”

This bill eliminates inactive state funds and accounts to simplify the state accounting process.

Section 2 which amends a reference to the special purpose district research services account is also amended in Engrossed Second Substitute House Bill 2658 eliminating the Municipal Research Council and transferring its duties to the Department of Commerce. A veto of Section 2 eliminates this conflicting double amendment.

For this reason, I have vetoed Section 2 of Substitute Senate Bill 6572.

With the exception of Section 2, Substitute Senate Bill 6572 is approved.

CHRISTINE O. GREGOIRE,
Governor of Washington

MESSAGE FROM THE GOVERNOR

March 29, 2010

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 1, Engrossed Substitute Senate Bill 6403 entitled:

“AN ACT Relating to accountability and support for vulnerable students and dropouts, including prevention, intervention, and reengagement.”

Section 1 is an intent section including legislative findings and goals regarding the development of a dropout prevention program to serve vulnerable youth. The intent section could be read to conflict with the substantive description of the type of program to be developed as stated in Section 3. A veto if the intent section eliminates this potential conflict.

For this reason, I have vetoed Section 1 of Engrossed Substitute Senate Bill 6403.

With the exception of Section 1, Engrossed Substitute Senate Bill 6403 is approved.

CHRISTINE GREGOIRE,
Governor of Washington

MESSAGE FROM THE GOVERNOR

FIRST DAY, JANUARY 10, 2011

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March 25, 2010

With the exception of Section 7 of Substitute Senate Bill 6207 is approved.

The Honorable President and Members,
The Senate of the State of Washington

CHRISTINE GREGOIRE,
Governor of Washington

Ladies and Gentlemen:

MESSAGE FROM THE GOVERNOR

I am returning herewith, without my approval as to Section 2 of Senate Bill 6826.

March 22, 2010

“AN ACT Relating to subagent service fees.”

To the Honorable President and Members,
The Senate of the State of Washington

This bill authorizes a fee increase to help independent vehicle licensing subagents keep up with the cost of doing business and requires the Department of Licensing to implement a rotation of public and private vehicle service office listings on the Department’s website. For some time now the Department has been working with the Washington Association of Vehicle Subagents to redesign the website listings, so that the lookup function will allow a person to enter his or her zip code and receive a listing of licensing offices in order of proximity to that zip code. The Department has indicated to the Association that they will have this change completed by December 31, 2010. This proximity website feature will better serve the needs of the public and the subagents. Section 2 would not allow implementation of the proximity website feature requested by the subagents and planned by the Department.

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 5, Substitute Senate Bill 6349 entitled:

For this reason I have vetoed Section 2 of Senate Bill 6826.

“AN ACT Relating to a farm internship program.”

This bill provides a structure for agricultural education with oversight from the Department of Labor and Industries. Section 5 provides that appropriations made for purposes of this act must be from the state general fund. The Legislature can determine through the appropriation process how to fund this program, and does not require a separate statutory provision to determine how to fund the program. This bill creates the program in the Department of Labor and Industries and therefore appropriations made for purposes of this act should be from the departments funds dedicated to that purpose.

With the exception of Section 2, Senate Bill 6826 is approved.

For this reason, I have vetoed Section 5 of Substitute Senate Bill 6349.

CHRISTINE GREGOIRE,
Governor of Washington

With the exception of Section 5, Substitute Senate Bill 6349 is approved.

MESSAGE FROM THE GOVERNOR

CHRISTINE GREGOIRE,
Governor of Washington

March 25, 2010

MESSAGE FROM THE GOVERNOR

To the Honorable President and Members,
The Senate of the State of Washington

June 23, 2010

Ladies and Gentlemen:

To the Honorable, the Senate
Of the State of Washington

I am returning herewith, without my approval as to Section 7, Substitute Senate Bill 6207 entitled:

Ladies and Gentlemen:

“AN ACT Relating to allowing local governments to create golf cart zones.”

In compliance with the provisions of Article III, Section 11, of the Constitution of the State of Washington, the Governor hereby submits her report of each case of reprieve, commutation or pardon that she has granted since her last report submitted on June 9, 2009, copies of which are attached.

The bill authorizes local jurisdictions to allow the use of golf carts on public roads that have speed limits of 25 miles per hour or less, under certain restrictions. The bill contains some important safety precautions, including requiring local jurisdictions to post signs identifying golf cart zones, and requiring that golf carts have seatbelts and proper lighting. Section 7 would exempt passengers under age 16 from the state’s seatbelt and child restraint requirements. I believe it is important these passenger safety provisions apply to the use of vehicles transporting a child on a public road.

Sincerely,
Narda Pierce
General Counsel

For this reason, I have vetoed Section 7 of Substitute Senate Bill 6207.

cc: Jay Manning, Chief of Staff

**FULL AND UNCONDITIONAL PARDON
OF
LINDA M. HOFER**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1998 Joshua McAdams and Mitko Tanev were sailors stationed on the USS Kitty Hawk. Mr. McAdams and Mr. Tanev were visiting a nightclub in Seattle when they were approached by Linda Fromm (who later became known as Linda Hofer), age 19, and a juvenile co-defendant. Both women danced with Mr. McAdams and Mr. Tanev. At least one person saw Ms. Hofer stick her hand into the sailors' pockets. After a few minutes of dancing, Ms. Hofer and her companion suddenly stopped dancing and walked away. They danced with other men in a similar fashion. Witnesses saw the two women go into the restroom of the nightclub and hide money in their clothing.

WHEREAS, after witnesses alerted the nightclub's security to Ms. Hofer's suspicious behavior, security personnel detained Ms. Hofer and her companion. Mr. Tanev later identified Ms. Hofer as one of the women with whom he had been dancing before he noticed his wallet was missing. Seattle police arrested Ms. Hofer and her co-defendant.

WHEREAS, on September 2, 1998, Ms. Hofer was convicted of First Degree Theft and sentenced to 35 days home detention, 12 months community supervision and ordered to pay restitution. Ms. Hofer has complied with the terms of her sentence, paid all ordered restitution and a Certificate and Order of Discharge was issued on September 20, 2000.

WHEREAS, Ms. Hofer states that she is deeply ashamed and sorry for what she did. She realizes that she broke the trust that her victims had for people and states that she could never do such a despicable thing again.

WHEREAS, Ms. Hofer petitioned for pardon of her conviction and appeared before the Clemency and Pardon Board (Board). Ms. Hofer admitted to the Board that she made a terrible mistake. She assured the Board, however, that she is not the same person that committed the crime twelve years ago.

WHEREAS, Ms. Hofer was accepted into the nursing program at Peninsula College in the fall of 2008. She acknowledged her conviction to the Nursing Advisor and explained that the conviction was clouding her ability to pursue her lifelong dream of working as a nurse. Ms. Hofer stated that she always enjoyed helping people and wanted nursing to be her career. She indicated a belief that she could make a better life for herself, her daughter, and her community by becoming a nurse. Faculty and staff rallied behind Ms. Hofer to support her in her goal. Ms. Hofer completed the nursing program in June of 2010.

WHEREAS, prior to committing the crime, Ms. Hofer was a Certified Nursing Assistant. Even though the conviction prevented her from working as a nursing assistant, she continued to renew her license every year in hopes that she could one day return to the nursing profession.

WHEREAS, Ms. Hofer's Petition for Clemency was supported by numerous letters of support, including letters from Marca Davis, Nursing Program Director at Peninsula College; Jeffrey E. Mauger, Ph.D., Anthropology and Sociology Instructor at Peninsula College; Kathleen Murphy-Carey, Peninsula College Counselor, and a large support group consisting of faculty and staff members of Peninsula College who appeared before the Board in support of Ms. Hofer's Petition. Each expressed their belief that Ms. Hofer was reliable, diligent and capable, and very much focused on pursuing her educational goals. When

questioned, each faculty member acknowledged a willingness to put his or her personal and professional reputation on the line to support Ms. Hofer.

WHEREAS, Ms. Hofer's sole conviction twelve years ago provided the wake-up call that she needed as a young woman to get her life on track. She served her sentence, satisfied her financial obligations, expressed contrition for her actions and focused her energies on self-improvement. As a young mother, she enrolled in a nursing program and attracted the support of faculty and students at her school for her dedication and skill.

WHEREAS, the King County Prosecutor's Office took no position regarding Ms. Hofer's petition.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board. In light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Linda M. Hofer, this full and unconditional pardon of her conviction of Theft in the First Degree so that she may pursue permanent and gainful employment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 22nd day of June, A.D., two thousand and ten.

Christine Gregoire
Governor of Washington

SEAL

BY THE GOVERNOR

Sam Reed
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
JOSE LOPEZ DOMINGUEZ**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, on July 5, 1988, at age 24, Jose Lopez Dominguez was convicted of Possession of a Controlled Substance: Cocaine and sentenced to 49 days confinement, with credit for 49 days served, and 12 months community supervision.

WHEREAS, in 1988, Mr. Dominguez applied for residency through the National Amnesty Program which was designed to give illegal alien farm workers a chance at American citizenship. At the time, Mr. Dominguez was working in the farmlands of Yakima Valley and residing with another farm worker in a small cabin in Yakima while sending money home to his family in Mexico.

WHEREAS, on the morning of May 18, 1988, within weeks of applying for his residency, Mr. Dominguez was shaving with the front door of his cabin open. He had \$778 in earnings saved and he was preparing to go play Bingo, his favorite pastime. Two men in plain street clothes appeared at his door and showed him

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their badges. They were accompanied by a uniformed Sheriff's Deputy. Mr. Dominguez did not understand much English at the time, and because he did not have anything to hide, he allowed the men to enter his cabin.

WHEREAS, the officers began searching everything in the cabin, dumping sugar and coffee canisters, and going through and emptying all of the cabinets and shelves. The two plain clothed officers found nothing and left the cabin, leaving the Sheriff's Deputy inside. A few moments later, the Sheriff's Deputy announced that one of the shelves that had already been emptied needed to be searched again because he thought he had seen something. The two plain clothes officers searched the shelf again and this time came up with a small pouch of white substance. Mr. Dominguez was immediately arrested and his \$778 was also confiscated. Mr. Dominguez states that he was confused and did not understand what he had done wrong.

WHEREAS, the events surrounding Mr. Dominguez's arrest raise a question regarding his conviction for possession of a controlled substance. Nothing in Mr. Dominguez's file indicates that law enforcement looked into the possibility that the drugs—found on a shelf that had been searched twice already—might have belonged to his roommate.

WHEREAS, after spending 49 days in jail awaiting trial on the charge of Possession of a Controlled Substance, Mr. Dominguez entered into an *Alford* plea at the urging of his court appointed attorney. Mr. Dominguez indicated a desire to tell the Court that he was innocent of the charges, but his attorney advised him that if he did so, he would go back to jail; whereas, if he entered into the *Alford* plea, he would be released immediately. Mr. Dominguez was not released, but instead detained and later deported.

WHEREAS, since marrying his wife, who is a United States citizen, Mr. Dominguez has attempted to apply for citizenship. Mrs. Dominguez's petition for him to immigrate to the United States was approved. However, Mr. Dominguez's petition to adjust his status to that of a permanent resident was later denied based upon his 1988 conviction.

WHEREAS, Mr. Dominguez maintains that he has never used illegal drugs, or possessed, sold or offered for sale any illegal drugs. Mr. Dominguez had no offenses (drug related or otherwise) prior to his 1988 arrest nor in the subsequent twenty years. He has taught himself to read and speak English. He has been a very productive member of society, and he now faces being separated from his family by deportation because of a change in the immigration laws that came into effect after his 1988 conviction.

WHEREAS, August Hahn, a retired attorney from Yakima County addressed the Board in favor of Mr. Dominguez's Petition. Mr. Hahn relayed that during the time of Mr. Dominguez's conviction, Yakima County did not maintain a Public Defender's Office, but retained private counsel who received a monthly retainer to handle a certain number of cases no matter what the workload involved in any given case. Mr. Hahn was one such attorney at that time. Mr. Hahn stated that after reviewing all of the facts, he believes that Mr. Dominguez was railroaded into the conviction.

WHEREAS, Mr. Dominguez's stepson, Edwin Commet, also appeared on behalf of Mr. Dominguez. Mr. Commet has had 18

years of law enforcement experience in Yakima County since approximately 1987. During this time, Mr. Commet worked as a narcotics officer, among other assignments. Mr. Commet expressed to the Board that in all the years he has known Mr. Dominguez, he has never seen him angry, abuse alcohol, or use drugs of any sort. Mr. Dominguez's wife also spoke to the Board and described Mr. Dominguez as the gentlest man she has ever known. He is a grandfather and great-grandfather to her children.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and favorable recommendation of the Washington State Clemency and Pardons Board. In light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Jose Lopez Dominguez, this full and unconditional pardon of his conviction of Possession of a Controlled Substance: Cocaine so that he may live with his family in the United States and pursue permanent and gainful employment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 9th day of June, A.D., two thousand and ten.

Christine Gregoire
Governor of Washington

SEAL

BY THE GOVERNOR

Sam Reed
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
CHAN LY**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in 1995, at age 23, Chan Ly was employed as an assistant manager at a clothing store in Tacoma, Washington. In May 1995, a customer accidentally left her credit card behind after a purchase. During an internal investigation, it was discovered that Ms. Ly was ringing up sales using the credit card and two other sales clerks were signing the card owner's name on the charge slips. During the period of May 15, 1995, through May 24, 1995, the three employees made eight fraudulent credit card charges for a total of \$3,442.12 in store merchandise.

WHEREAS, One June 22, 1995, Ms. Ly was convicted of First Degree Theft and sentenced to 32 days total confinement, with 24 months community supervision, and 240 hours of community service. Ms. Ly has complied with the terms of her sentence, paid all ordered restitution and a Certificate and Order of Discharge was issued on May 21, 2007.

WHEREAS, Ms. Ly expressed that she is deeply remorseful for her crimes. Ms. Ly stated that the conviction has shaped her life and explained that with her family in mind, knowing how much

they need her, she has gone on to better herself. Ms. Ly is the first person in her family to attend college, and she has chosen to pursue the profession of a registered nurse. Ms. Ly has excelled in her program, achieving a high honors GPA of 3.83. She has attended night school while maintaining a full-time work schedule.

WHEREAS, Ms. Ly is a single mother of three daughters and resides in the same house as her elderly parents who both suffer chronic medical conditions. In addition to caring for her three daughters and her elderly parents, Ms. Ly also cares for her niece and two nephews. Mr. Ly is the main financial provider and support system for her extended family.

WHEREAS, Ms. Ly is currently a lawful permanent resident of the United States. Her conviction falls under the mandatory removal offense of the Immigration and Customs Enforcement. Although removal proceedings have not been initiated, Ms. Ly must renew her Permanent Resident Card every 10 years.

WHEREAS, Ms. Ly's oldest daughter expressed how her mom has taught her to turn all choices into positive choices and how she cannot imagine not having her in her life. Nancy Novak, the Associate Dean of Nursing at Tacoma Community College (TCC) spoke to the Clemency & Pardons Board (Board) regarding the reasons she is supporting clemency for Ms. Ly. Ms. Novak said she was impressed by the fact that Ms. Ly owned up to her offense, did not attempt to justify it, and expressed extreme remorse for it. Ms. Novak told the Board that Ms. Ly had explained how it was critical to her that she be a positive role model for her family and children.

WHEREAS, Ms. Novak stated that although Ms. Ly has only completed one quarter of the nursing program, she has made a huge impression on the faculty, her colleagues, and staff at TCC. Ms. Novak explained that the nursing program is extremely competitive and she wants to see Ms. Ly in her program because she has demonstrated that she is caring, competent, and compassionate; displaying the skills that she wants to see in a nurse graduating from TCC. Out of 126 applicants in 2007, Ms. Ly was one of only 24 individuals to be offered a spot in the program.

WHEREAS, Ms. Ly's Petition for Clemency was bolstered by numerous letters of support, including but not limited to letters from Julie Benson, Ms. Ly's Theory Instructor; Quahlee Lassila, Ms. Ly's clinical instructor; and Peggy Sargeant of Counseling, Advising and Transition Services; plus letters from many family members and friends.

WHEREAS, the Pierce County Prosecutor's Office took no position regarding Ms. Ly's petition.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board. In light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Chan Ly, this full and unconditional pardon of her conviction of Theft in the First Degree so that she may pursue permanent and gainful employment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 12th day of October, A.D., two thousand and nine.

Christine Gregoire
Governor of Washington

SEAL

BY THE GOVERNOR

Sam Reed
Secretary of State

MESSAGE FROM SECRETARY OF STATE

The Honorable Brad Owen
President of the State Senate
Legislature of the State of Washington
Olympia Washington 98504

Dear President Owen:

We respectfully transmit for your consideration the following regular session bills which were partially vetoed by the Governor, together with the official veto message setting forth her objection to the section or items of the bill, as required by Article III, section 12, of the Washington State Constitution:

Substitute Senate Bill No. 6349,
Substitute Senate Bill No. 6207,
Senate Bill No. 6826,
Engrossed Substitute Senate Bill No. 6403,
Engrossed Substitute Senate Bill No. 6381,
Engrossed Substitute Senate Bill No. 6392,
Engrossed Second Substitute Senate Bill No. 6267,
Engrossed Second Substitute Senate Bill No. 6467,
Engrossed Substitute Senate Bill No. 6726,

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the State of Washington this 1st Day of December 2010.

SAM REED, Secretary of State

(Seal)

MOTION

On motion of Senator Eide, the vetoes and partial vetoes were held at the desk.

REPORT OF COMMITTEE

The Senate Committee composed of Senators Kilmer and Parlette appeared before the bar of the Senate and reported that the Governor had been notified under the provisions of House Concurrent Resolution No. 4400 that the Legislature was organized and ready to conduct business.

The President received the report of the committee and the committee was discharged.

MOTION

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At 2:43 p.m., on motion of Senator Eide, the Senate adjourned until 11:15 a.m. Tuesday, January 11, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

4400	Adopted.....	22	5020	Introduction & 1 st Reading.....	20
	Introduction & 1 st Reading.....	21	5021	Introduction & 1 st Reading.....	20
	Messages.....	18	5022	Introduction & 1 st Reading.....	20
	Other Action.....	22	5023	Introduction & 1 st Reading.....	20
	Second Reading.....	22	5024	Introduction & 1 st Reading.....	20
4401	Adopted.....	22	5025	Introduction & 1 st Reading.....	20
	Introduction & 1 st Reading.....	21	5026	Introduction & 1 st Reading.....	20
	Messages.....	18	5027	Introduction & 1 st Reading.....	21
	Other Action.....	22	5028	Introduction & 1 st Reading.....	21
	Second Reading.....	22		Other Action.....	22
4402	Introduction & 1 st Reading.....	21	5029	Introduction & 1 st Reading.....	21
	Messages.....	18	5030	Introduction & 1 st Reading.....	21
	Other Action.....	22	5031	Introduction & 1 st Reading.....	21
4403	Adopted.....	22	5032	Introduction & 1 st Reading.....	21
	Introduction & 1 st Reading.....	21	5033	Introduction & 1 st Reading.....	21
	Messages.....	18	5034	Introduction & 1 st Reading.....	21
	Other Action.....	22	5035	Introduction & 1 st Reading.....	21
	Second Reading.....	22	5036	Introduction & 1 st Reading.....	21
5000	Introduction & 1 st Reading.....	18	8601	Other Action.....	5
5001	Introduction & 1 st Reading.....	18	8604	Adopted.....	18
5002	Introduction & 1 st Reading.....	19		Introduced.....	8
5003	Introduction & 1 st Reading.....	19	PRESIDENT OF THE SENATE		
5004	Introduction & 1 st Reading.....	19		Intro. Special Guest, Natasha Coleman.....	1
5005	Introduction & 1 st Reading.....	19		Intro. Special Guest, Sam Reed, Secretary of State.....	4
5006	Introduction & 1 st Reading.....	19		Intro. Special Guests, Miss Josephine Coury, 2011 Lakefair Queen.....	1
5007	Introduction & 1 st Reading.....	19		Remarks by the President.....	1, 8
5008	Introduction & 1 st Reading.....	19		Remarks by the President.....	1
5009	Introduction & 1 st Reading.....	19		Reply by the President.....	4
5010	Introduction & 1 st Reading.....	19	WASHINGTON STATE SENATE		
5011	Introduction & 1 st Reading.....	19		Moment of Silence, Shooting victims of Arizona.....	1
5012	Introduction & 1 st Reading.....	19		Point of Inquiry, Senator Hewitt.....	18
5013	Introduction & 1 st Reading.....	19		Point of Order, Senator Keiser.....	4
5014	Introduction & 1 st Reading.....	19		Remarks by Senator Delvin.....	7
5015	Introduction & 1 st Reading.....	20		Remarks by Senator Eide.....	5
5016	Introduction & 1 st Reading.....	20		Remarks by Senator Fraser.....	6, 7
5017	Introduction & 1 st Reading.....	20		Remarks by Senator Kastama.....	5
5018	Introduction & 1 st Reading.....	20		Remarks by Senator Morton.....	6
5019	Introduction & 1 st Reading.....	20		Remarks by Senator Parlette.....	7
				Remarks by Senator Pridemore.....	7
				Remarks by Senator Rockefeller.....	7
				Remarks by Senator Swecker.....	8