

SEVENTY FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, March 25, 2013

The Senate was called to order at 12:00 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Carrell, Chase and Ericksen.

The Sergeant at Arms Color Guard consisting of Pages Josephine Henderson and Zain Natha, presented the Colors. Senator Shin offered the prayer.

MOTION

On motion of Senator Fain the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 21, 2013

SHB 1946 Prime Sponsor, Committee on Transportation: Concerning special parking privileges for persons with disabilities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Fain, Budget Leadership Cabinet; Harper; Mullet; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5885 by Senators Roach, Rivers, Holmquist Newbry, Hasegawa and Chase

AN ACT Relating to instruction in Spanish and Chinese languages; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

MOTION

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

MOTION

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Parlette moved that Tamara Jackson, Gubernatorial Appointment No. 9023, be confirmed as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15.

Senators Parlette and Frockt spoke in favor of passage of the motion.

MOTION

On motion of Senator Fain, Senator Carrell was excused.

MOTION

On motion of Senator Billig, Senator Chase was excused.

APPOINTMENT OF TAMARA JACKSON

The President declared the question before the Senate to be the confirmation of Tamara Jackson, Gubernatorial Appointment No. 9023, as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15.

The Secretary called the roll on the confirmation of Tamara Jackson, Gubernatorial Appointment No. 9023, as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senator Ericksen

Excused: Senators Carrell and Chase

Tamara Jackson, Gubernatorial Appointment No. 9023, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ranker moved that John Stephens, Gubernatorial Appointment No. 9034, be confirmed as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

Senator Ranker spoke in favor of the motion.

APPOINTMENT OF JOHN STEPHENS

The President declared the question before the Senate to be the confirmation of John Stephens, Gubernatorial Appointment No. 9034, as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

The Secretary called the roll on the confirmation of John Stephens, Gubernatorial Appointment No. 9034, as a member of the Board of Trustees, Skagit Valley Community College District No. 4 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Chase

John Stephens, Gubernatorial Appointment No. 9034, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Eide moved that Anne Haley, Gubernatorial Appointment No. 9107, be confirmed as a member of the Transportation Commission.

Senators Eide and Hewitt spoke in favor of passage of the motion.

APPOINTMENT OF ANNE HALEY

The President declared the question before the Senate to be the confirmation of Anne Haley, Gubernatorial Appointment No. 9107, as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Anne Haley, Gubernatorial Appointment No. 9107, as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Chase

Anne Haley, Gubernatorial Appointment No. 9107, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hill moved that David Schumacher, Gubernatorial Appointment No. 9071, be confirmed as Director of the Office of Financial Management.

Senators Hill and Murray spoke in favor of passage of the motion.

APPOINTMENT OF DAVID SCHUMACHER

The President declared the question before the Senate to be the confirmation of David Schumacher, Gubernatorial Appointment No. 9071, as Director of the Office of Financial Management.

The Secretary called the roll on the confirmation of David Schumacher, Gubernatorial Appointment No. 9071, as Director of the Office of Financial Management and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Chase

David Schumacher, Gubernatorial Appointment No. 9071, having received the constitutional majority was declared confirmed as Director of the Office of Financial Management.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1319, by Representatives Johnson, McCoy, Ross, Hunt, Rodne, Orwall, Green, Jinkins, Upthegrove, Chandler, Orcutt, Pedersen, Vick, Roberts, Alexander, Klippert, Holy, Short, Morrell, Smith, Buys, Kochmar, Lias, Moeller, Appleton, Angel, Zeiger, O'Ban, Wilcox, Hurst, Van De Wege, Shea, Fagan, Bergquist, Moscoso, Tarleton, Freeman and Fey

Recognizing a welcome home Vietnam veterans day.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1319 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

REMARKS BY SENATOR ROACH

Senator Roach: "Thank you Mr. President, members of the Senate, This bill comes to us, it's a very special one. We're very pleased it's before us at this time, it's the only order of consideration of bills today. More than eleven hundred Washingtonians gave their lives in the service of our country during the Vietnam conflict. At that time it's widely known in all the history books and in the memories of us here that veterans who came back, who returned from that conflict, were not

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welcomed home in a positive way, and not to dwell on that, but to say that it's time that they have a bit more recognition in a very positive way here in Washington State. What this bill does, it would declare that March 30th be the 'Welcome Home Vietnam Veterans Day' to be recognized by the state of Washington on March 30th or, if it falls on a weekend, that it be the Friday before March 30th by the posting of the POW/MIA and Missing in Action flag that we see today on several other holidays. In fact, we see that flag on Armed Forces Day. We see it at Memorial Day. We see that special flag, MIA, POW/MIA flag, on Flag Day. We see it Independence Day, National Korean War Veterans Armistice Day. And this, and we also have the National POW/MIA Recognition Day which falls on the 3rd Friday in September. This bill would allow the state of Washington to recognize our Vietnam Veterans on the 30th of March and I think it's a good idea. You know, those of us who have not served in battle or in the service and I'm one of those, I have a husband who served, my son is currently serving in the Air Force, but I think that if you've been in the service and you see that flag, you in your heart remember the sacrifices that were made. If just for a brief moment when you see it as you're driving and you see the flags posted. That's the way all of can feel and should be able to feel when we see the flag. And the more often we see and if we see it on March 30th in our minds we should be thinking of the fact that we have had so many people across the United States of America could give their lives in the service of their country. So, I would commend this bill to you, thank the maker of the bill and the other body for bringing it to us. And I urge your passage of the bill. Thank you."

REMARKS BY SENATOR CONWAY

Senator Conway: "Thank you Mr. President. Standing in support of the bill, you know we are really in the period of celebrating the fiftieth anniversary of the Vietnam War. Actually, President Obama has declared this next almost decade as a celebration of this war. With your permission, I'd like to read a little statement from President Obama that he addressed at his second Memorial address where he was speaking to the unjust blame that was heaped on Vietnam vets on their return from that war?"

REPLY BY THE PRESIDENT

President Owen: "Senator Conway."

REMARKS BY SENATOR CONWAY

Senator Conway: 'It was national shame, a disgrace that should never have happened. That's why we're here to resolve that it will not happen again.' Now, that speaks to why this bill is important because it's a reminder of us. Of this critical feature of welcoming our veterans home, Not only patting them on the back but taking care of them, alright? We all know that we've had a lot of great issues, discussions about our veterans coming back from Afghanistan and Iraq and how we need to provide services to them. That was missing after the Vietnam War. And we are doing better now but naming of this day is a way of remembering that disgrace that happened and making sure that it never happens again to our veterans. Thank you."

REMARKS BY SENATOR BENTON

Senator Benton: "Well, thank you Mr. President, I too rise to this excellent bill and I thank the gentleman from the House that introduced it. Both of my older brothers are Vietnam veterans. And I recall very vivid ally when my oldest brother a Whidbey Island aviator who I thought of often when the Navy was here last week, was actually shot down in Vietnam. He was missing in action on the ground for about seventeen hours. I remember how my folks felt when we were waiting to find out. Of course, my brother told me that he always had a lot of inside rivalry for the Marines but after that Marine chopper came in and picked him up, under fire, and got him and his co-pilot out, after they'd been on the ground running from the VietCong through the jungle for seventeen hours, he always thought, after that, the Marines were ok. So, that ended the rivalry between the Navy and Marines for my brother, Navy combat pilot who flew ninety three missions over Vietnam. My other brother who was in the Army. He wanted to be different than my dad so he didn't want to go in Navy, he went in the Army and he was a platoon Sergeant, -Senator Hobbs, you'd like this,- he was platoon sergeant for the 101st Airborne Division. Those are those crazy guys that jump out of helicopters under fire. And he was awarded the Bronze Star with the 'V' for Valor by the President of the United States for his service in Vietnam and both of those boys came home, thank goodness, but my one brother was killed in a car wreck a few months after he arrived home and this, unfortunately, Senator Conway as you well know, was the fate of many of those young boys who were in the adrenaline rush of war and came home and nothing was really quite like that because they'd never experienced anything like it and many of them was depicted in the famous movie 'The Fourth of July' and many others were looking for that same kind of adrenaline rush that they got from walking in the jungle. And it just wasn't here. That need took a lot of their lives, whether it was speed in a car, whether it was drugs, but a lot of those boys were killed by that war after they came home. And part of it was because of the way they were received when they came. I can remember my brother the pilot saying he came home after being shot down and people at the airport spit on him when he came in in his uniform. Now, how do you think that makes you feel after putting your life on the line for your country? It's not a very good feeling. So, today, we have a chance to honor these young men and women that answered the call. Regardless of the political aspects of that call, the young men and women of this country answered that call. And they did us all very proud. They were fighting for a cause that their government told them was a just cause. And they answered that call and they served us well and they did us all proud. Today I think is a very important day for the Vietnam veteran here in Washington State. That we all recognize that every man and woman that answered that call and served in that war did so because their country called on them and their country needed them and they answered that call. They should be recognized today and every day for the rest of their lives for what they've done for us and our country. Thank you Mr. President."

REMARKS BY SENATOR BECKER

Senator Becker: "Thank you Mr. President. Well, I too stand up and support this resolution. You know I grew up in the time when Vietnam became quite an item, thing in school. You know the draft occurred, the shootings of people at Kent State, etc. And you know, I lost one of my very best friends. We rode horses together as kids and I got word that as he was getting onto the helicopter he got shot and he died. I never believed that he was dead. It was something that you just couldn't accept and I went back to D. C and went to the wall, visited the wall, if you

want to call it the wall because so many people were named on that wall. I found his name there and I stood there and cried like a baby because at that point the realization was he was really dead to me but, you know, I think of Senator Swecker. He would be standing up right now and talking about being a helicopter pilot in Vietnam and some of the things that he encountered while in Vietnam. I look at my husband, who didn't get to go to Vietnam, that wanted to go to Vietnam but he was an air traffic controller in Lynden Johnson's, on his ranch. He had it pretty easy but my brother-in-law still suffers from some of the effects of what he went through when he was in Vietnam. And you know it's a real trying time. Now, during the time that I was a stewardess I volunteered. I wanted so badly to fly the MAC (Military Airlift Command) flights. And that meant you'd go to Vietnam pick up the folks, coming home. And I was kind of laughed at because I was way to junior to do that. You probably had to be flying fifteen, twenty years to get those flights so I made a vow that any of the military guys coming back from Vietnam would never have to buy a drink on my airplane. I thank you for the airline because they actually supported that vow. I ran into people from all over the states and people from my home town coming back. They were changed and they were changed for not such a good thing. And I can't tell you how much I still appreciate everything that they did for us in that country. That war generated a lot of talk and a lot of fights in between families and a lot of commotion and disruptions in everyone's lives and it's something that I hope we never forget. How important that was. And I stand here and feel very strongly we should honor everybody coming back or came back from Vietnam and those that didn't. Thank you."

REMARKS BY SENATOR HASEGAWA

Senator Hasegawa: "Thank you Mr. President. Speaking as the ranking member of the Governmental Operations Committee, first I want to thank the Chair of the Committee and the committee members, the Rules Committee and this body for expediting the passage of this bill which is we're hoping we'll give full recognition to this coming Friday in a more appropriate ceremony. But in thinking about the times, back then, during Vietnam, that was such a troubled time in our countries history. We were going through so much social change at that time. And it reminds me a story that Senator Daniel told once. You'll recall that during Day of Remembrance, I spoke about the 442 and Senator Inouye told a story about when he was charging machine gun nest in one of those engagements. And he approached the nest and when he reached the nest he saw young German soldiers with terror in their eyes and he came to this epiphany that these are just people. They're doing their duty for their country but it was really a failure of the political leadership at that time and they, in their innocence and in their wanting to support their country and do their duty, were willing to die for that. In thinking about the Vietnam veterans, regardless what you think about the political leadership at that time and the political motivations behind that war, those people, the soldiers were unjustly bearing the burden of the failure of our political leadership. So, the lesson we need to learn, in my opinion, is that we need to challenge that political leadership when issues of conscience demand that we stand up and challenge that political leadership. I hope that this resolution brings some solace to those who unjustly bore that burden for our whole country during that time of change and I whole heartedly support this bill. Thank you Mr. President."

REMARKS BY SENATOR SHIN

Senator Shin: "Thank you Mr. President. Forgive me if this sounds like too much like nepotism but during the Vietnam War

in 1974 United States government asked Korean troops to be sent there as joint partner. And three hundred twenty five thousand soldiers sent. And they fought there from 1974 until the end of the war. After the war, those soldiers in Korea returned home out of which about two thousand have immigrated to the United States sponsored the U. S. Defense Department to show gratitude for what we did as an ally of the country. And for this reason, not only for Vietnam, but also those veterans who fought the Vietnam War, should be commented and recognized. Thought you'd be interested to know that, Mr. President. Thank you."

REMARKS BY SENATOR HOBBS

Senator Hobbs: "Mr. President obviously, I rise in support of House Bill No. 1319. I think what's great about this bill is it honors those men and women that paved the way for future generations of soldiers, Sailors, Airmen, Marines that served in the current war and the war that I served in. When I came home, my family was there to greet me. My youngest son, whom I not seen for several months, just ran right up to me. He just learned how to walk and I missed that. I missed his first steps. I got to wear my uniform when we went from Atlanta Georgia to Fort Benning, we even stopped at a restaurant to eat. Someone paid for my meal because they were thankful for what I'd done. I wasn't ashamed of what I did but, back then, it was a totally different story. Senator Benton even talked about how his brother was spat on. I've heard of stories, I'm sure you have too, of soldiers back then who came back from the war, they took their uniform off before deplaning. I can't image going through that, having to go through a war and being ashamed of what you did. You know, I know that the American public, when it comes to the Iraq war, a majority I saw the polling said that wasn't a just war, we shouldn't have went. You know regardless of what you feel about it it's tough. It's tough for me because I served in that war. I did exactly what I was told to do and I'm proud and I would have done it again. I just hate to think I went there for no reason but imagine those men and women that served in Vietnam where the majority of the country was against them and when they came home they were rejected. At least I know when I came home, though, the American public might of said. 'You know we're not sure about this war,' at least they welcomed home our veterans with open arms and because of those men and women that suffered during Vietnam that came home, We have great programs now. When I was in Iraq, just before I left, I got to talk to psychiatrists just like all the other soldiers did. You know, 'How are you feeling? What's going on? Dealing with PTSD. When I came home I got to see one another. Several months later, I had another visit and every soldier and every service member goes through that now. That didn't happen back then. Imagine an eighteen year old infantry man going battle after battle seeing their buddies die not having any of that when they came home. The culture was totally different back then. You were taught to keep it in. You're not a man if you don't toughen up. You can't talk about it. What was great coming home for me, for my brothers and sisters that came home? You talk to a fellow Legionnaire, you could talk about it. It was ok. It was encouraged to talk about your experiences. So, I have no doubt that this bill is probably going to go out unanimously but I'm really glad that we're doing this to really let our veterans, our Vietnam veterans know because of what you did and some of the pain you went through and because you're talking about it now you're helping the young men and women of today's war cope. So thank you."

REMARKS BY SENATOR HONEYFORD

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Senator Honeyford: “Well thank you Mr. President. It’s an honor to stand up in support of this piece of legislation to honor those that are still living that survived this war and have come home but that’s also important for us to remember those that did not come back. One of the things that I do is walk through all our war memorials during the lunch hours to try to visit each one and say a silent prayer of thanks for those that did not come home. Also wanted to remember those that are MIA. Just recently, well, in the last six or seven years, I found out a young man that I used to play tennis with never came home from Vietnam. His name was Joe Echanis, from Ontario, Oregon (Joseph Yanacio “Joe” Echanis, Major U. S. Air Force) I didn’t know that and I’d just like to mention his name too. Thank you Sir.”

MOTION

On motion of Senator Roach, the remarks offered during consideration of House Bill No. 1319 were spread upon the Journal.

The President declared the question before the Senate to be the final passage of House Bill No. 1319.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1319 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Carrell

HOUSE BILL NO. 1319, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Conway: “I wanted to let everyone know that on Friday we will have the Vietnam veterans down here with us. We have a resolution that we are circulating today. We hope you all get your signatures on that resolution. What we’ll do immediately after, I know it’s a pro forma day, but the House and the Senate are both considering this resolution at the same time and we are inviting down the Vietnam vets for that purpose and hopefully we’ll be here to honor them. I think there’s some very personal moving statements here today. I also point out that after we’re through with our floor action we’re going down to the Vietnam Memorial for a recognition of this particular day, which is I know the 29th but this as said earlier we will be celebrating on Friday and we’ll have a program down there with the Department of Veterans Affairs and others to officially begin this recognition of this day. Thank you very much. Do sign the resolution, especially if you won’t be with us on Friday.”

MOTION

At 12:54 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Tuesday, March 26, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

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