

FORTY FIFTH DAY, FEBRUARY 22, 2017

2017 REGULAR SESSION

## FORTY FIFTH DAY

## MORNING SESSION

Senate Chamber, Olympia  
Wednesday, February 22, 2017

The Senate was called to order at 9:01 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Dillon Esperza and Miss Nola Farrell, presented the Colors. The pledge of allegiance was led by Page Mr. Elliot Armitage. The prayer was offered by Senator Mike Padden of the 4th Legislative District, Spokane County.

## 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

February 21, 2017

SB 5274 Prime Sponsor, Senator Conway: Defining salary for purposes of the Washington state patrol retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Transportation.

## MOTION

On motion of Senator Fain, the recommendation of the Standing Committee was accepted and 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 5847 by Senator Carlyle

AN ACT Relating to the review process of the citizen commission for performance measurement of tax preferences; and amending RCW 43.136.011, 43.136.055, and 82.32.808.

Referred to Committee on Ways & Means.

SB 5848 by Senator Carlyle

AN ACT Relating to the creation, extension, expansion, accountability, and transparency of state tax preferences; amending RCW 82.32.590, 82.32.600, 82.32.605, 82.32.607, 82.32.710, 82.32.808, 82.04.240, 82.04.2404, 82.04.294, 82.04.426, 82.04.4277, 82.04.4461, 82.04.4463, 82.04.448, 82.04.4481, 82.04.4483, 82.04.449, 82.08.805, 82.08.965, 82.08.9651, 82.08.970, 82.08.980, 82.08.986, 82.12.022, 82.12.025651, 82.12.805, 82.12.965, 82.12.9651, 82.12.970, 82.12.980, 82.16.0421, 82.29A.137, 82.60.070, 82.63.020, 82.63.045, 82.74.040, 82.74.050, 82.75.040, 82.75.070, 82.82.020, 82.82.040, 84.36.645, 84.36.655, 82.32.330, and 43.06.400; reenacting and amending RCW 82.04.260 and 82.32.790; adding new sections to chapter 82.32 RCW; creating new sections; adding a new section to chapter 43.88A RCW; repealing RCW 82.32.534 and 82.32.585; providing an effective date; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5849 by Senators Angel, Bailey, Rolfes, Braun, Brown, Sheldon, Pearson, Becker, Fortunato and Wilson

AN ACT Relating to veterans' services; amending RCW 43.60A.100; adding a new section to chapter 43.41 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SB 5850 by Senators Frockt, Carlyle, Fain, Bailey and Hobbs

Modifying the lodging excise tax to remove the exemption for premises with fewer than sixty lodging units and to tax certain vacation rentals, short-term home-sharing arrangements, and other compensated use or occupancy of dwellings.

Referred to Committee on Ways & Means.

SJR 8207 by Senators Mullet, Hobbs and Takko

Amending the Constitution to exempt regular local school district levies from the one percent constitutional limitation.

Referred to Committee on Ways & Means.

## MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5849 which had been designated to the Committee on State Government and referred to the Committee on Ways & Means.

## MOTION

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

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

#### MOTION

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

#### MOTION

Senator Honeyford moved adoption of the following resolution:

#### SENATE RESOLUTION 8621

By Senator Honeyford

WHEREAS, Washington agriculture generates 10.2 billion dollars annually and is a cornerstone of the Washington state economy; and

WHEREAS, Washington FFA members' continuous efforts culminated in a record-setting five chapters being named as national finalists in the national chapter awards program, which recognizes the top ten chapters in the nation in four qualifying areas out of the 7,859 chapters nationwide; and

WHEREAS, The Yelm chapter was named the national winner in Models of Excellence and the Omak chapter was named the national winner of Models of Innovation Chapter Development, at the 2016 National FFA Convention; and

WHEREAS, Washington FFA members contribute to the nationally generated 4.4 billion dollars through their Supervised Agricultural Experience programs, which are an extension of their classroom instruction; and

WHEREAS, National FFA week is celebrated annually nationwide during the week of George Washington's birthday, in celebration of his legacy as an agriculturalist, and to emphasize the importance of the foundation of agriculture to FFA members; and

WHEREAS, The FFA motto: "Learning to do, doing to learn, earning to live, living to serve" gives direction and purpose to students who take an active role in succeeding in agricultural education; and

WHEREAS, FFA promotes citizenship, volunteerism, patriotism, and cooperation through approximately 482,000 service hours which equates to an economic impact of over 10.9 million dollars nationally; and

WHEREAS, Agricultural education and FFA ensure a steady supply of young professionals to meet the growing needs of science, business, and technology in the agricultural industry; and

WHEREAS, Agricultural education is the original science, technology, engineering, and math (STEM) education model, and agricultural education is celebrating 100 years as a result of the Smith-Hughes Act influencing more than 50,000 Washington students enrolled in agricultural education courses annually; and

WHEREAS, Washington FFA week is recognized by over 9,000 members statewide;

NOW, THEREFORE BE IT RESOLVED, That the Washington state Senate recognize Washington's FFA members

and their excellence in the agricultural field during the celebration of FFA week, February 18th through 25th.

Senators Honeyford, Erickson, and Schoesler spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8621.

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

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Future Farmers of America who were seated in the gallery.

#### MOTION

Senator Walsh moved adoption of the following resolution:

#### SENATE RESOLUTION 8623

By Senators Rolfes, Frockt, Ranker, Brown, Hasegawa, Conway, Darneille, Billig, Bailey, Becker, Warnick, Fain, Miloscia, and Walsh

WHEREAS, Gina Grant Bull was a devoted public servant whose dynamic spirit and positive outlook stretched across party lines, and she was a steadfast advocate for youth from all economic backgrounds; and

WHEREAS, Gina lived a life of public service that culminated in her being appointed to her dream job as a page director for the House of Representatives; and

WHEREAS, This love for serving the community began in her hometown Walla Walla, where she worked on her family farm with her father, the late Representative Bill Grant; and

WHEREAS, Gina Grant Bull attended Washington State University in Pullman where she met Oak Harbor native Ron Bull, and they both returned to his hometown in 1991 and she quickly became a pillar of that community; and

WHEREAS, Gina Grant Bull made a profound impact on the youth of Oak Harbor through leading their middle school associated student body program and coaching Oak Harbor High School's track and field team; and

WHEREAS, Gina Grant Bull carried her passion for helping people to the Legislature in Olympia, where she worked as a caseworker, a Legislative Assistant for Senator Mary Margaret Haugen and Representative Chris Strow, a staff member in the Democratic caucus, and, most recently, as the House page supervisor; and

WHEREAS, Gina Grant Bull gave herself wholeheartedly to mentorship and achieved impressive results, yet she maintained a humble attitude towards it all, brushing off her work as ordinary; and

WHEREAS, Gina Grant Bull knew the name of every page on campus and made strong connections with many; and

WHEREAS, Upon landing her dream job, Gina Grant Bull formulated a detailed plan to strengthen the page program, her goal being to empower students from all walks of life to realize that the citizen legislature is their legislature, no matter their economic background; and

WHEREAS, Gina Grant Bull envisioned a page program with youth from all backgrounds, advocated for a scholarship fund to help make this happen, and inspired legislation to that effect; and

FORTY FIFTH DAY, FEBRUARY 22, 2017

2017 REGULAR SESSION

WHEREAS, Gina Grant Bull had the ability to inspire many around her and spent her entire life making the world a brighter and happier place;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Gina Grant Bull and the impact she had on the youth, the legislature, and the people of her beloved home state; and now let her memory inspire us to carry on her spirit.

Senator Walsh spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8623.

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

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of Gina Grant Bull's family who were seated in the gallery: Gina's mother, Nancy Grant; Gina's husband, Ron Bull; Gina's sister, Laura; Gina's children, Linda, Grant and Molly; Molly's husband, Tim; Gina's youngest grandchild Hudson; and Gina's nieces Hope and Maggie.

#### MOTION

Senator Fain moved that all members names be added to Senate Resolution No. 8623.

The President declared the question before the Senate to be the motion by Senator Fain that all members names be added as sponsors of Senate Resolution No. 8623.

The motion by Senator Fain carried and all members were added to the resolution as sponsors.

#### MOTION

At 9:20 a.m., on motion of Senator Fain, the Senate was declared to be at ease for the purpose of caucuses.

Senator McCoy announced a meeting of the Democratic Caucus.

Senator Becker announced a meeting of the Majority Coalition Caucus.

The Senate was called to order at 11:22 a.m. by President Habib.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 5272, by Senators Saldaña, Hasegawa, Ranker, Chase, Hunt, Darneille, Wellman, Keiser, Cleveland, Takko and Kuderer

Vacating convictions arising from offenses committed as a result of being a victim of trafficking, promoting prostitution, or promoting commercial sexual abuse of a minor.

#### MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5272 was substituted for Senate Bill No. 5272 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Saldaña, the rules were suspended, Substitute Senate Bill No. 5272 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Saldaña, Padden and Nelson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5272.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5272 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5272, 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 Saldaña: "Thank you esteemed colleagues for passing this important piece of legislation."

#### REMARKS BY THE PRESIDENT

President Habib: "Senator Saldaña, please address your remarks to the President."

#### PERSONAL PRIVILEGE

Senator Saldaña: "Mr. President, I would like to thank those present in the room for, and yourself, for this honor to be serving with you. This last six weeks or eight weeks, however long its been, has been a really amazing time for me and I really appreciate being among you. As such, and to have the honor to represent the 37<sup>th</sup> District. I hope that you are able to enjoy some delicious chai tea and baklava from Mawadda Café. The owner, Mr. Rami Al-Jebori, he is originally from Iraq and has had a small business in my district for many years. In addition, we are handing out shea butter, that I know also has a nice aroma for my colleague who sits two seats across from us, and its an opportunity for young women learn how to be small business entrepreneurs and they also take them on spring break to the east coast to be able to experience life on campus in colleges. And so I want to share that with you as well. And then the last thing is from my neighborhood Rainier Beach. To support our merchants in Rainier Beach, they have a couple of different events they do every year, including the bike ride, Seattle to Portland comes through our neighborhood and we go out and give coffee and doughnuts and water to those bikers and that is where this water

bottle comes from. Thank you so much and I look forward to continue to serve with you.”

PERSONAL PRIVILEGE

Senator King: “Well, the good Senator is a member of the Transportation Committee, and I have to report that she actually has behaved herself in committee this year. I am not sure that is going to continue but we’ll see. But actually she has been a very welcome part of that committee and it is a pleasure to have her there and I do look forward to working with her not only in that committee but as we move forward in the Senate and I want to welcome her. It is a pleasure to know you and have you here. Thank you.”

PERSONAL PRIVILEGE

Senator Sheldon: “Thank you Mr. Speaker.”

REMARKS BY THE PRESIDENT

President Habib: “Senator Sheldon, you have been around long enough. Are you looking forward to being Speaker Pro Tem tomorrow, Senator Sheldon?”

PERSONAL PRIVILEGE

Senator Sheldon: “Mr. President, I wanted to thank Senator Saldaña for the addition to my aroma therapy box here. And I will always keep these on the desk so when times get tough I can go for the lavender shea lotion or the Alaffia soap to take the edge off. I really appreciate it. Thank you.”

PERSONAL PRIVILEGE

Senator Liias: “Thank you Mr. President. I just wanted to note that in general this freshman class this year has really taken a step back in terms of expertise and knowledge of the Legislature, but with two rare exceptions, Senator Kuderer and now with Senator Saldaña we have really taken a step forward, in the quality of representation, the bright voices the people are bringing to the Legislature, and I just wanted to thank Senator Saldaña. I wish she had gotten here a few years earlier. We are delighted to have her and we are delighted to have her contributions to our work.”

PERSONAL PRIVILEGE

Senator Fain: “Thank you. I am not sure of the hidden meaning of my colleagues floor speech was, but I am also very happy to welcome Senator Saldaña here. I miss the former member from the 37<sup>th</sup> District, she was a friend of mine, and I really appreciated getting to know her and wish her all the best in her new endeavor. I will say however, that the newest member from that district has discovered a sense of brevity that the previous member did not have and I’m greatly appreciative of that. Welcome to the Chamber.”

REMARKS BY THE PRESIDENT

President Habib: “That message will not be dispatched to Washington D. C. Senator Saldaña welcome to the Senate. Thank you for these gifts and would the body please join me in welcoming Senator Saldaña?”

The Senate rose and recognized Senator Saldaña.

SECOND READING

SENATE BILL NO. 5790, by Senators Short, Sheldon, Angel and Wilson

Concerning the economic development element of the growth management act.

MOTIONS

On motion of Senator Short, Substitute Senate Bill No. 5790 was substituted for Senate Bill No. 5790 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Short, the rules were suspended, Substitute Senate Bill No. 5790 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Short, Takko, Angel, Sheldon and Rolfes spoke in favor of passage of the bill.

Senators Ranker and McCoy spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5790.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5790 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, Mullet, O’Ban, Padden, Palumbo, Pearson, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Nelson, Pedersen, Ranker, Saldaña and Van De Wege

SUBSTITUTE SENATE BILL NO. 5790, 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 Short: “Well Mr. President, I know that coming to this esteemed legislative body that there is something that I must do and give a gift to members of this esteemed body, everyone here and what is going to be delivered are salmon grilling planks. The neat thing about that is Vaagen Brothers Lumber Company is one of the timber companies in northeastern Washington and they actually pioneered the use of small diameter timber, Mr. President. It is such a part of our custom and culture and I thought with the importance of salmon and fish and our enjoyment of those that this would be a really good marriage between the west side of the state and the east side of the state and it is a privilege for me to share this with you today. Thank you very much.”

PERSONAL PRIVILEGE

Senator Nelson: “Thank you Mr. President and I just want to welcome the good lady. Senator Short and I served in the House and I know many of our members, are very, very happy, all of our

FORTY FIFTH DAY, FEBRUARY 22, 2017

2017 REGULAR SESSION

members to have you here and we're looking forward to continuing to grow in our relationship together and welcome."

PERSONAL PRIVILEGE

Senator Hunt: "Thank you Mr. President. Well I would just like to thank the Senator for her fishy gift from the district and to add a little personal touch. A number of years ago I went back and I was teaching fourth grade in Montesano and I had one of the Vaagen daughters as one of my students and I am proud to say that she is now a constituent and is teaching in one of our local schools. So we have some ties here. Thank you."

REMARKS BY THE PRESIDENT

President Habib: "The President would also like to thank Senator Short, it is wonderful to have you. I know that the bill was not the type that was conducive to a lot of joshing but nevertheless I know the Senate very please to have you here with us and so would the body join us in welcoming Senator Short?"

The Senate rose and recognized new Senator Short.

MOTION

Senator Fain moved that Senate Bill No. 5320 and Senate Bill No. 5711, previously held at the desk on February 9, 2017, be referred to the Committee on Rules.

On motion of Senator Liias, the motion by Senator Fain that the measures be referred to the Committee on Rules was divided.

On motion of Senator Liias, the motion by Senator Fain was amended and Senator Liias moved that Senate Bill No. 5320 be referred to the Committee on Ways & Means.

Senators Liias, Keiser, Pedersen, Ranker and Nelson spoke in favor of the motion to refer Senate Bill No. 5320 to the Committee on Ways & Means.

Senator Fain spoke against the motion.

MOTION

Senator Liias demanded a roll call vote.

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

The President declared the question before the Senate to be the motion by Senator Liias that the motion by Senator Fain be amended and that Senate Bill No. 5320 be referred to the Committee on Ways & Means.

ROLL CALL

The Secretary called the roll on the motion to refer Senate Bill No. 5320 to the Committee on Ways & Means and the motion did not carry by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

The President declared that the question before the Senate to be the motion by Senator Fain that Senate Bill No. 5320 be referred to the Committee on Rules.

The motion by Senator Fain carried and the measure was referred to the Committee on Rules by voice vote.

On motion of Senator Liias, the motion by Senator Fain was amended and Senator Liias moved that Senate Bill No. 5711 be referred to the Committee on Ways & Means.

Senators Liias and Carlyle spoke in favor of the motion to refer to the Committee on Ways & Means.

Senator Fain spoke against the motion.

The President declared that the question before the Senate to be the motion by Senator Liias that the motion by Senator Fain be amended and that Senate Bill No. 5711 be referred to the Committee on Ways & Means.

The motion by Senator Liias did not carry by voice vote.

The President declared that the question before the Senate to be the motion by Senator Fain that Senate Bill No. 5711 be referred to the Committee on Rules.

The motion by Senator Fain carried and the measure was referred to the Committee on Rules by voice vote.

MOTION

At 12:08 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 o'clock a.m. Thursday, February 23, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate