

SEVENTH DAY, JUNE 27, 2017

2017 3RD SPECIAL SESSION

SEVENTH DAY

NOON SESSION

Senate Chamber, Olympia
Tuesday, June 27, 2017

The Senate was called to order at 12:01 p.m. by the President Pro Tempore of the Senate, Senator Sheldon presiding. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exceptions of Senators Hobbs and Baumgartner.

The Sergeant at Arms Color Guard consisting of Mr. Peter Steelquist and Mr. Jessie Taylor, presented the Colors. The President Pro Tempore led the Senate in the Pledge of Allegiance.

The prayer was offered by Senator Phil Fortunato of the 31st Legislative District, Auburn, 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

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

INTRODUCTION AND FIRST READING

SB 5967 by Senator Wilson

AN ACT Relating to Washington state's 529 college savings plans; amending RCW 28B.95.020; and repealing RCW 28B.95.170.

Referred to Committee on Higher Education.

SB 5968 by Senator Ericksen

AN ACT Relating to the funding of oil spill prevention and oil spill response; and amending RCW 82.23B.020 and 90.56.500.

Held at the desk.

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. 5968 which was held at the desk on June 27, 2017.

MOTION

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

MOTION

Senator Hunt moved adoption of the following resolution:

SENATE RESOLUTION
8669

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

WHEREAS, Marty Brown of Olympia, Washington is retiring after an illustrious and unparalleled 40-year career in public service; and

WHEREAS, Martin Henry Brown was born in Iowa Falls, Iowa, on May 20, 1952, to Velma and Henry Brown; and

WHEREAS, Marty entered a life of public service and involvement at an early age as the son of a high school teacher and an electrician who both served as party precinct captains; and

WHEREAS, Marty further caught the political bug when he had the opportunity to meet Senator George McGovern after being bitten by a dog while doorbelling for the candidate; and

WHEREAS, Marty is an alumnus of Ellsworth Community College and the University of Iowa, where he served as a resident advisor and was a member of the skydiving club; and

WHEREAS, Marty has always been an avid supporter of the Iowa ~~Jayhawks~~ Hawkeyes, known to wax poetic over the wrestling dominance of Dan Gable and the coaching acumen of Hayden Fry and Dr. Tom Davis; and

WHEREAS, After working a short time with the Iowa Legislature, Marty left the snowy plains of Iowa to attend and eventually graduate from law school at the University of Puget Sound; and

WHEREAS, During law school, Marty began working as senate committee staff, spending so much time in Olympia that he unwittingly met one of his professors for the first time midway through the term playing a pickup basketball game; and

WHEREAS, Marty began his career as senate committee staff in 1978, narrowly missing out on PERS 1 eligibility; and

WHEREAS, Marty helped the senate members and staff weather tumultuous times in 1981 when the majority switched early in the legislative session; and

WHEREAS, Marty progressed to Senate Democratic Caucus Attorney, Senate Democratic Staff Director, coach of the infamous Raucous Caucus softball team, and ultimately Secretary of the Senate from 1993 to 1997; and

WHEREAS, Marty was one of many who became an expert volunteer at the Sign Shop; and

WHEREAS, Marty was taught by his cherished friend and mentor, Senator Sid Snyder, that a good story can be told over and over; and

WHEREAS, Marty's rule of response has always been, "If the person asks once, ignore it; twice, remember it; and take it seriously the third time."; and

WHEREAS, Marty himself has learned a story or two in his years of public service, and he tells both of them over and over again; and

WHEREAS, Marty was appointed Director of Legislative Affairs by Governor Gary Locke, and later served as Deputy Chief of Staff and Director of the Office of Financial Management; and

WHEREAS, Under Governor Christine Gregoire, Marty once again served as Director of Legislative Affairs and Director of the Office of Financial Management; and

WHEREAS, While working at his current position as the Executive Director of the State Board of Community and Technical Colleges, Marty helped the system win several coveted grants and awards that moved Washington State community and technical colleges into the national spotlight; and

WHEREAS, Marty's commitment to improving higher education in Washington State facilitated the creation of several valuable applied degree programs, creating new career opportunities for thousands of students; and

WHEREAS, Marty is a well-respected leader and negotiator who managed and guided important and challenging policy initiatives throughout his career, particularly during tough financial times, while maintaining a calm demeanor, sharp sense of humor, and respect for all; and

WHEREAS, Marty earned a reputation far and wide that if "you wanted to get something done in Olympia, you went to see Marty Brown"; and

WHEREAS, Marty is known for being very decisive and never letting moss grow under his feet and for responding to long emails and complicated questions with short answers like Yes, No, Thnx, and Call me; and

WHEREAS, All those who have had the misfortune to follow in Marty's footsteps in the Senate, Governor's Office, and Office of Financial Management have been chagrined that he excelled and set the bar so high in each of the positions he held; and

WHEREAS, Throughout Marty's career in state government, countless individuals have sought and relied upon his unfailingly good advice, sound judgment, and considerable expertise, including parliamentary questions; and

WHEREAS, Marty has been a loyal and trusted friend and mentor to so many; and

WHEREAS, Marty has been married to his beloved wife Kate, who works for the Office of Financial Management, for nearly 35 years; and

WHEREAS, Marty and Kate raised two talented and upstanding sons, Sam and Max, who have followed them into public service, one of whom works for us on senate committee staff; and

WHEREAS, Marty will no doubt be spending ample time in retirement with his five lovely and energetic grandchildren, Maddox, Thomas, Ryder, Rowan, and David, who affectionately know him as "Bah"; and

WHEREAS, Marty is a dedicated and passionate volunteer youth sports coach, teaching his children, grandchildren, and others the values of teamwork, selflessness, fair play, and humility through baseball and basketball;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate thank and commend Mr. Marty Brown for his many years of outstanding public service and wish him all the best in retirement; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Marty Brown, his family, and the members of the State Board of Community and Technical Colleges.

Senators Hunt, Rossi, McCoy, Conway and Bailey spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8669.

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

REMARKS BY THE PRESIDENT

President Pro Tempore Sheldon: "Marty Brown you have been a wonderful addition to our state government and the two words that come to my mind, after working with you for so long, are confidence and integrity. So thank you very much."

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Mr. Marty Brown and Mrs. Kate Lynkins Brown; his son Sam and daughter-in-law Brittani Brown with their sons Tommy and David; and his son Max and daughter-in-law Shannon Brown with their daughter Maddy who were seated in the gallery.

MOTION

At 12:23 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus.

The Senate was called to order at 1:01 p.m. by President Pro Tempore Sheldon.

MOTION

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

THIRD READING

SECOND ENGROSSED SENATE BILL NO. 5517, by Senators Wilson, Rivers, Cleveland, Hobbs, King, Sheldon, Miloscia, Brown, Angel, Warnick, Keiser and Schoesler

Concerning rail dependent uses for purposes of the growth management act and related development regulations.

The bill was read on Third Reading.

MOTION

On motion of Senator Wilson, the rules were suspended and Second Engrossed Senate Bill No. 5517 was returned to second reading for the purposes of amendment.

MOTION

Senator Short moved that the following floor amendment no. 293 by Senators Short and Wilson be adopted:

On page 8, line 3, after "timelines." insert the following:

"(e) Any county that borders both the Cascade mountains and another country and has a population of less than fifty thousand people, and any city in such county, may adopt development regulations to assure that agriculture, forest, and mineral resource lands adjacent to short line railroads may be developed for freight rail dependent uses."

Senators Short and Takko spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Saldaña, Senator Hobbs was excused.

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The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 293 by Senators Short and Wilson on page 8, line 3 to Second Engrossed Senate Bill No. 5517.

The motion by Senator Short carried and floor amendment no. 293 was adopted by voice vote.

MOTION

On motion of Senator Wilson, the rules were suspended, Third Engrossed Senate Bill No. 5517 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson and Short spoke in favor of passage of the bill. Senator Liias spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Third Engrossed Senate Bill No. 5517.

ROLL CALL

The Secretary called the roll on the final passage of Third Engrossed Senate Bill No. 5517 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 2; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Braun, Brown, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Hasegawa, Hawkins, Honeyford, King, Kuderer, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Hunt, Keiser, Liias, McCoy, Nelson, Pedersen, Ranker, Rolfes and Saldaña

Absent: Senators Baumgartner and Frockt

Excused: Senator Hobbs

THIRD ENGROSSED SENATE BILL NO. 5517, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 5720, by Senators Hawkins, Hobbs, Takko, Baumgartner, Sheldon, King, Brown and Schoesler

Addressing the payment of production-based compensation wages for the employment and use of labor in agricultural activities and in the production, handling, and storage of farm products.

The bill was read on Third Reading.

Senator Hawkins spoke in favor of passage of the bill.

Senator Chase spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5720.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5720 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 1; Excused, 1.

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

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

Absent: Senator Baumgartner

Excused: Senator Hobbs

ENGROSSED SENATE BILL NO. 5720, 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.

MOTION

On motion of Senator Bailey, Senator Baumgartner was excused.

THIRD READING

SENATE BILL NO. 5646, by Senators Honeyford, King, Chase, Keiser and Conway

Concerning services provided by residential habilitation centers.

The bill was read on Third Reading.

MOTION

On motion of Senator Honeyford, the rules were suspended and Senate Bill No. 5646 was returned to second reading for the purpose of amendment.

MOTION

Senator Honeyford moved that the following floor amendment no. 294 by Senator Honeyford be adopted:

On page 2, beginning on line 1, after "shall" strike all material through "~~persons.~~" on line 3 and insert "continue to operate as a residential habilitation center until such time that the census of permanent residents has reached (~~sixteen~~) eight persons."

On page 2, beginning on line 6, after "~~funds~~," Strike all material through "purpose." on line 10 and insert "Upon such time as the facility closes to full residential care, the facility must thereafter operate crisis stabilization beds and only so many respite service beds as the needs of the department-identified catchment area or as emergency placement needs require, subject to the availability of amounts appropriated for this specific purpose."

Senators Honeyford and Cleveland spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 294 by Senator Honeyford on page 2, line 1 to Senate Bill No. 5646.

The motion by Senator Honeyford carried and floor amendment no. 294 was adopted by voice vote.

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Senate Bill No. 5646 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5646.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5646 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

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

Voting nay: Senator Rossi

Excused: Senators Baumgartner and Hobbs

ENGROSSED SENATE BILL NO. 5646, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 5316, by Senators Fortunato, Rossi, Rivers, Miloscia, Padden, Becker, Braun, Angel, Warnick, Schoesler, Brown, Zeiger and Wilson

Concerning the removal of provisions that are no longer necessary for continued publication in the Revised Code of Washington.

The bill was read on Third Reading.

Senator Fortunato spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5316.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5316 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, 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

Voting nay: Senator Hasegawa

Excused: Senators Baumgartner and Hobbs

ENGROSSED SENATE BILL NO. 5316, 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.

MOTION

At 1:31 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Wednesday, June 28, 2017.

TIM SHELDON, President Pro Tempore of the Senate

HUNTER G. GOODMAN, Secretary of the Senate