

TWENTY FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 5, 2014

The Senate was called to order at 10:00 a.m. by the President Pro Tempore, Senator Sheldon presiding. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senator Hobbs.

The Sergeant at Arms Color Guard consisting of Pages Alexander Balkan and Emily Christopher, presented the Colors. Ms. Elizabeth Austen, Poet Laureate of Washington offered a poem.

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 4, 2014

SB 5520 Prime Sponsor, Senator Billig: Establishing a regional fire protection service authority formation process for cities. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Conway; Hasegawa, Ranking Member and McCoy.

MINORITY recommendation: Do not pass. Signed by Senator Benton, Vice Chair.

Passed to Committee on Rules for second reading.

February 4, 2014

SB 5741 Prime Sponsor, Senator Fain: Allowing the use of lodging taxes for financing workforce housing and tourism promotion activities or facilities. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5741 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Liias and Pedersen.

Passed to Committee on Rules for second reading.

February 4, 2014

SB 6003 Prime Sponsor, Senator Roach: Addressing the scope of state fire service mobilization. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6003 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Danel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 3, 2014

SB 6017 Prime Sponsor, Senator Kohl-Welles: Modifying seizure and forfeiture provisions. Reported by Committee on Law & Justice

MAJORITY recommendation: That Substitute Senate Bill No. 6017 be substituted therefor, and the substitute bill do pass. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson; Pedersen and Roach.

Passed to Committee on Ways & Means.

February 4, 2014

SB 6040 Prime Sponsor, Senator Honeyford: Concerning invasive species. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6040 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Danel; Hargrove; Hewitt; Kline; Liias, Ranking Member and Parlette.

Passed to Committee on Ways & Means.

February 4, 2014

SB 6052 Prime Sponsor, Senator Honeyford: Concerning habitat and recreation land acquisitions. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Pearson, Chair; Danel; Hargrove and Hewitt.

MINORITY recommendation: Do not pass. Signed by Senator Liias, Ranking Member.

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

Passed to Committee on Ways & Means.

February 4, 2014

SB 6060 Prime Sponsor, Senator Angel: Concerning certain public water systems. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6060 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Danel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 4, 2014

SB 6087 Prime Sponsor, Senator Honeyford: Protecting water quality while maintaining and enhancing the viability of agriculture. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Brown; Eide; Honeyford, Ranking Member and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hatfield, Chair.

Passed to Committee on Rules for second reading.

February 4, 2014

SB 6096 Prime Sponsor, Senator Pearson: Providing for property tax exemption for the value of new construction of industrial/manufacturing facilities in targeted urban areas. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6096 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Liias and Pedersen.

Passed to Committee on Ways & Means.

February 4, 2014

SB 6110 Prime Sponsor, Senator Ericksen: Regulating retainage bonds on public contracts. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6110 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Nelson and Roach.

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

Passed to Committee on Rules for second reading.

February 4, 2014

SB 6146 Prime Sponsor, Senator Cleveland: Concerning county electronic public auctions. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6146 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 4, 2014

SB 6164 Prime Sponsor, Senator Roach: Allowing a standing committee of the legislature to hold a public hearing on a ballot proposition. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6164 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Dansel; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

February 4, 2014

SB 6188 Prime Sponsor, Senator O'Ban: Dedicating a portion of state sales tax revenues derived from certain short-term major public events for county economic development use. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Chase, Ranking Member; Holmquist Newbry and Liias.

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

Passed to Committee on Ways & Means.

February 4, 2014

SB 6195 Prime Sponsor, Senator Braun: Concerning long-term funding for a state tourism marketing program. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6195 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Liias and Pedersen.

Passed to Committee on Rules for second reading.

February 4, 2014

SB 6215 Prime Sponsor, Senator Mullet: Clarifying and correcting RCW 82.08.962 and 82.12.962 regarding the sales and use tax treatment of machinery and equipment purchases by companies producing pipeline-quality natural gas using landfill gas. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6215 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Honeyford and Ranker.

MINORITY recommendation: Do not pass. Signed by Senators Chase; McCoy, Ranking Member.

Passed to Committee on Ways & Means.

February 4, 2014

SB 6267 Prime Sponsor, Senator Hill: Concerning high-technology research and development tax incentives. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Holmquist Newbry and Liias.

MINORITY recommendation: Do not pass. Signed by Senators Chase, Ranking Member and Pedersen.

Passed to Committee on Ways & Means.

February 4, 2014

SB 6287 Prime Sponsor, Senator Dansel: Concerning a pilot program for cougar control. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 6287 be substituted therefor, and the substitute bill do

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pass. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt and Parlette.

MAJORITY recommendation: That Substitute Senate Bill No. 6450 be substituted therefor, and the substitute bill do pass. Signed by Senators Pearson, Chair; Dansel; Hargrove; Hewitt; Kline; Liias, Ranking Member and Parlette.

MINORITY recommendation: Do not pass. Signed by Senators Kline; Liias, Ranking Member.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

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SB 6330 Prime Sponsor, Senator Sheldon: Promoting affordable housing in urban growth areas. Reported by Committee on Financial Institutions, Housing & Insurance

SB 6467 Prime Sponsor, Senator Honeyford: Ensuring that existing exempt water uses in the Skagit river basin are not subject to interruption. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6330 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Co-Chair; Benton, Vice Co-Chair; Hobbs, Co-Chair; Mullet, Vice Co-Chair; Fain; Hatfield; Nelson and Roach.

MAJORITY recommendation: That Substitute Senate Bill No. 6467 be substituted therefor, and the substitute bill do pass. Signed by Senators Hatfield, Chair; Brown; Honeyford, Ranking Member and Schoesler.

Passed to Committee on Ways & Means.

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

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Passed to Committee on Rules for second reading.

SB 6368 Prime Sponsor, Senator Roach: Adjusting the dollar threshold for substantial development under the shoreline management act for certain pleasure craft-related construction. Reported by Committee on Energy, Environment & Telecommunications

SB 6534 Prime Sponsor, Senator Pedersen: Removing certain conditions for awarding prevailing party fees and costs for appeals of land use decisions. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 6368 be substituted therefor, and the substitute bill do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Chase; Honeyford; McCoy, Ranking Member.

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Hasegawa, Ranking Member and McCoy.

Passed to Committee on Rules for second reading.

Passed to Committee on Law & Justice.

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SB 6428 Prime Sponsor, Senator Liias: Concerning heavy civil construction projects. Reported by Committee on Governmental Operations

SJM 8015 Prime Sponsor, Senator O'Ban: Requesting Congress implement certain increased safety measures for tank rail cars. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Benton, Vice Chair; Conway; Hasegawa, Ranking Member and McCoy.

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Honeyford; McCoy, Ranking Member.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

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SB 6430 Prime Sponsor, Senator Liias: Extending tax preferences for high-technology research and development. Reported by Committee on Trade & Economic Development

ESHB 1950 Prime Sponsor, Committee on Environment: Designating certain hydroelectric generation from a generation facility located in irrigation pipes, irrigation canals, and wastewater pipes as an eligible renewable resource under chapter 19.285 RCW. (REVISED FOR ENGROSSED: Designating certain hydroelectric generation from a generation facility located in irrigation pipes, irrigation canals, water pipes whose primary purpose is for conveyance of water for domestic use, and wastewater pipes as an eligible renewable resource under chapter 19.285 RCW. ) Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Holmquist Newbry and Liias.

MINORITY recommendation: Do not pass. Signed by Senators Chase, Ranking Member and Pedersen.

Passed to Committee on Ways & Means.

February 4, 2014

SB 6450 Prime Sponsor, Senator Pedersen: Concerning on-water dwellings. Reported by Committee on Natural Resources & Parks

MAJORITY recommendation: Do pass as amended. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig; Brown; Chase; Honeyford; McCoy, Ranking Member and Ranker.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

February 4, 2014

SGA 9234 JEFFREY CHARBONNEAU, appointed on May 7, 2013, for the term ending June 30, 2016, as Member of the Washington State Student Achievement Council. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 4, 2014

SGA 9235 FREDERICK GOLDBERG, appointed on March 20, 2013, for the term ending September 30, 2014, as Member of the Board of Trustees, The Evergreen State College. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 4, 2014

SGA 9241 DEBBIE J AHL, reappointed on October 1, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Technical College District #25 (Bellingham). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 4, 2014

SGA 9248 JACK BURKMAN, reappointed on October 1, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Community College District No. 14 (Clark College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 4, 2014

SGA 9255 BETTY J COBBS, appointed on October 1, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Community College District No. 5 (Everett Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 4, 2014

SGA 9270 CLAIRE GRACE, appointed on July 1, 2013, for the term ending May 17, 2017, as Member of the Higher Education Facilities Authority. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 4, 2014

SGA 9273 HEIDI HEYWOOD, appointed on October 1, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Community College District No. 13 (Lower Columbia College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 4, 2014

SGA 9277 URIEL R INIGUEZ, appointed on January 1, 2014, for the term ending September 30, 2019, as Member of the Board of Trustees, Eastern Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

Passed to Committee on Rules for second reading.

February 4, 2014

SGA 9282 KEITH L KESSLER, reappointed on October 1, 2013, for the term ending September 30, 2019, as Member of the Board of Trustees, The Evergreen State College. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

February 4, 2014

SGA 9292 MARK MATTKE, appointed on August 5, 2013, for the term ending June 30, 2017, as Member of the Work Force Training and Education Coordinating Board. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

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SGA 9301 LEE NEWGENT, appointed on August 5, 2013, for the term ending June 30, 2017, as Member of the Work Force Training and Education Coordinating Board. Reported by Committee on Higher Education

AN ACT Relating to providing a sales and use tax exemption for sales and uses related to eligible server equipment and power infrastructures installed in eligible computer data centers; amending RCW 82.08.986 and 82.12.986; creating a new section; and providing expiration dates.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

Referred to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

SB 6551 by Senator Parlette

February 4, 2014  
SGA 9314 ERIK S ROHRER, reappointed on October 1, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Community College District No. 1 (Peninsula College). Reported by Committee on Higher Education

AN ACT Relating to payments to counties in lieu of property taxes by the department of fish and wildlife; amending RCW 77.12.203; repealing RCW 77.12.201; and providing an effective date.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

Referred to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

SB 6552 by Senators Rolfes, Dammeier, Litzow, Rivers, Tom, Fain, Hill, Kohl-Welles, Mullet, McAuliffe and Cleveland

February 4, 2014  
SGA 9335 CARL J ZAPORA, appointed on December 23, 2013, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 23 (Edmonds Community College). Reported by Committee on Higher Education

AN ACT Relating to improving student success by increasing instructional hour and graduation requirements; amending RCW 28A.700.070, 28A.230.097, 28A.150.220, and 28A.230.090; amending 2013 2nd sp.s. c 4 s 502 (uncodified); creating a new section; and providing an effective date.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member; McAuliffe and Tom.

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

Passed to Committee on Rules for second reading.

MOTION

MOTION

On motion of Fain, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6003 which was referred to the Committee on Ways & Means.

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

MOTION

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

At 10:10 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

INTRODUCTION AND FIRST READING

The Senate was called to order at 10:57 a.m. by the President Pro Tempore, Senator Sheldon presiding.

SB 6549 by Senators Hobbs, Hatfield and Pearson

INTRODUCTION OF SPECIAL GUESTS

AN ACT Relating to creating demonstration projects for preserving agricultural land and public infrastructure in flood plains; and adding a new section to chapter 43.23 RCW.

The President Pro Tempore welcomed and introduced Miss Washington USA, Miss Allyson Rowe of Spokane, who was seated at the rostrum.

Referred to Committee on Agriculture, Water & Rural Economic Development.

MOTION

SB 6550 by Senators Holmquist Newbry, Hobbs, Parlette, Lias, Hewitt, Hatfield, Fain, Conway, McAuliffe and Mullet

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

MOTION

On motion of Senator Billig, Senators Frockt and Hobbs were excused.

MOTION

On motion of Senator Rivers, Senator Baumgartner was excused.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5199, by Senate Committee on Ways & Means (originally sponsored by Senators Ericksen and Holmquist Newbry)

Concerning de facto changes in water rights for irrigation purposes that involved conversion to more efficient irrigation technologies.

The measure was read the second time.

#### MOTION

Senator Ericksen moved that the following amendment by Senator Ericksen be adopted:

On page 1, line 18, after “microirrigation technology” insert “prior to January 1, 2010”

Senator Ericksen spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 1, line 18 to Second Substitute Senate Bill No. 5199.

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

#### MOTION

On motion of Senator Hatfield, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5199 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Hatfield 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 Second Substitute Senate Bill No. 5199.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5199 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Hargrove, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, King, Litzow, McAuliffe, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Fraser, Hasegawa, Kline, Kohl-Welles, Lias, McCoy and Pedersen

Excused: Senators Baumgartner, Frockt and Hobbs

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5199, 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.

#### SECOND READING

SENATE BILL NO. 6045, by Senators Brown, Chase, Rivers, Schoesler, Bailey, Angel, Becker, Honeyford and Roach

Promoting economic development through enhancing transparency and predictability of state agency permitting and review processes.

The measure was read the second time.

#### MOTION

On motion of Senator Brown, the rules were suspended, Senate Bill No. 6045 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown, Chase and Ranker spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6045.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6045 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Fraser, McCoy and Nelson

Excused: Senators Baumgartner, Frockt and Hobbs

SENATE BILL NO. 6045, 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.

#### SECOND READING

SENATE BILL NO. 5996, by Senators Angel, Fain and McAuliffe

Requiring the department of licensing to adopt rules regarding online learning for training in cosmetology, manicuring, barbering, esthetics, and instruction. Revised for 1st Substitute: Requiring the department of licensing to adopt rules regarding online learning for training in cosmetology, manicuring, barbering, esthetics, master esthetics, and instruction.

#### MOTIONS

On motion of Senator Angel, Substitute Senate Bill No. 5996 was substituted for Senate Bill No. 5996 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Angel, the rules were suspended, Substitute Senate Bill No. 5996 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Angel spoke in favor of passage of the bill.

#### POINT OF INQUIRY

Senator Conway: “Would Senator Angel yield to a question? Would you trust your hair to someone who only has learned how to do hair through online learning?”

Senator Angel: “This applies sir to just the portions that are appropriate through the ethics portions.”

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Senators Conway spoke against passage of the bill.

was nice to see her enjoy the exceptionally good humor we can have here in the Senate. I also thank you for not answering the last question.”

POINT OF INQUIRY

Senator Honeyford: “Would Senator Conway yield to a question? Thank you Senator Conway. Do you have enough hair to worry about?”

PERSONAL PRIVILEGE

Senator Conway: “I won’t answer that question, thank you.”

Senator Bailey: “Thank you. I would like to also thank the good lady for being here and we’re very excited that she’s here. First of all I’d like to call attention to the resemblance that this candy has to things that I sometimes see on the wharf of the good lady’s district. I’m sure it tastes better. The other thing is that I’d like to also thank her since she is the first person called on to vote and I no longer have to have that privilege. Thank you.”

Senators Honeyford and Chase spoke against passage of the bill.

PERSONAL PRIVILEGE

Senators Ericksen, McAuliffe, Kohl-Welles and Benton spoke in favor of passage of the bill.

Senator Parlette: “Well, I cannot resist. I’m thrilled to have another woman in our caucus!”

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5996.

ROLL CALL

PERSONAL PRIVILEGE

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5996 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Senator Rolfes: “Thank you. I would like to be, say something serious. When the good gentle lady from the Twenty Sixth first ran for office in Kitsap County as a County Commissioner I was on our City Council and she was running for the County Commission and she went in our Fourth of July parade handing out flyers that were really nice. They said, ‘Vote for an Angel to represent you’ and they were very cute and I think they were coming out of a baby stroller if I recall. It was the epitome of cute I want to recognize that her last, her experience last summer and last fall was not as cute and I want to congratulate her on her achievement and welcome her to the Senate. I look forward to working with you over here as well.”

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O’Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SECOND READING

Excused: Senators Baumgartner, Frockt and Hobbs

SUBSTITUTE SENATE BILL NO. 5996, 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.

SENATE BILL NO. 6013, by Senators Mullet and Tom

PERSONAL PRIVILEGE

Making a technical correction to school law governing the use of epinephrine autoinjectors (EPI pens).

Senator Angel: “Ok, you know today is Seahawks day and those of us wearing the blue and green, maybe blue and green hair would have been ok today. I want to thank all of you for the opportunity to be a part of you and to pass this first bill with a majority vote. I have a little something from my district. Now, as you know, I have Gig Harbor, Bremerton and Port Orchard and there is something in there from all three. However, where I reside in Port Orchard is known nationally for the Seagull Calling Contest. It is my honor to be able to share with you today seagull splat candy made in Port Orchard. Thank you Mr. President.”

The measure was read the second time.

MOTION

POINT OF INQUIRY

On motion of Senator Mullet, the rules were suspended, Senate Bill No. 6013 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker: “Would Senator Angel yield to a question? I’m curious if you would give us an example of this seagull calling that happens in your community. Can you give us an example of what that sounds like please?”

Senators Mullet and Litzow spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6013.

ROLL CALL

Senator Angel: “Well, I tell you what, I have judged those contests for many years and they vary greatly so, I do not have that degree of expertise.”

The Secretary called the roll on the final passage of Senate Bill No. 6013 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

PERSONAL PRIVILEGE

Senator Fraser: “Thank you Mr. President. On behalf of our caucus I’d like to congratulate our new senator on her first bill. It

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy,

Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner, Frockt and Hobbs

SENATE BILL NO. 6013, 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.

#### SECOND READING

SENATE JOINT RESOLUTION NO. 8213, by Senators Roach, Becker, Benton, Sheldon, Baumgartner, Brown, Dansel, Angel, Schoesler, Braun, Bailey, Dammeier, O'Ban, Litzow, Rivers, Parlette, Padden, Pearson and Honeyford

Amending the Constitution to require a two-thirds majority vote of the legislature to raise taxes.

The measure was read the second time.

#### MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove be adopted:

On page 1, line 8, after "(1)" insert "(a)"

On page 1, line 14, after "election." strike "For the purposes of this subsection, "raises" and insert the following:

"(b) The definitions in this subsection (1)(b) apply throughout this subsection (1) unless the context clearly requires otherwise.

(i) "Raises"

On page 1, line 17, after "fund." insert ""Raises taxes" does not include any action or combination of actions by the legislature that is: (A) A curative or remedial clarification of legislative intent; (B) a modification or repeal of a previously enacted tax preference; (C) a transfer of existing revenues between state accounts; or (D) a change to the use of existing revenues.

(ii) "Tax preference" means an exemption, exclusion, or deduction from the base of a state tax; a credit against a state tax; a deferral of a state tax; or a preferential state tax rate."

Senators Hargrove, Mullet, Hasegawa and Fraser spoke in favor of adoption of the amendment.

Senators Roach, Benton, Ericksen and Padden spoke against adoption of the amendment.

Senator Rolfes demanded a roll call.

The President Pro Tempore declared that one-sixth of the members supported the demand and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 1, line 8 to Senate Joint Resolution No. 8213.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Hargrove and the amendment was not adopted by the following vote: Yeas, 20; Nays, 26; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Hargrove, Hasegawa, Hatfield, Keiser, Kohl-Welles, Lias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

Voting nay: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Kline, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner, Frockt and Hobbs

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Joint Resolution No. 8213 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

#### REMARKS BY SENATOR ROACH

Senator Roach: "Thank you Mr. President, members of the Senate. Gee, this is a real privilege. You understand that today I get to stand and speak to the message that the voters of the State of Washington gave us with the vote on 1183, 1185. And this is the two-thirds majority vote. The reason that it's such a pleasure is because it makes state history. 1185 makes state history, with sixty-four percent of the people of the state of Washington voting for it. Sixty-four percent of the people of the state of Washington wanted to protect their property, their pocket books. They decided that they wanted to increase the incentive for the legislature to look at reforming government before raising taxes. That's what the message was. Reform government before, it's so easy right? To raise taxes. This is what the voters want. They want this particular resolution, joint resolution to go to them and give them the opportunity to change the constitution. They want it embedded in their constitution to protect themselves. By the way, this is not an unusual thing. Seventeen other states in the country have a super-majority required in their constitutions to raise taxes. We pride ourselves in being vanguards here in Washington State. We certainly have been on a number of issues but not when it comes to taxes. Now's the time. The people are vanguard but the legislature's not following what the people have to say. I wanted to just pull from the voting results and I'm going to not mention any names but I am going to mention district numbers because these are."

#### REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Senator, are you asking for permission to read?"

Senator Roach: "Yes, may I?"

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Permission granted to read."

Senator Roach: "Thank you Mr. President because I love this stuff."

#### REMARKS BY SENATOR ROACH

Senator Roach: "District number Five which is your Maple Valley, Black Diamond area, sixty eight percent of the people in the Fifth District voted for 1185. They wanted to make it tougher to raise taxes. Another speaker came out of the Eleventh District. The Eleventh District, we're talking Renton. Are you ready, sixty two percent of the people in the Eleventh District voted for 1185. Where's the confetti? Here we go, the Twenty Second District, Senator Fraser, in the heart of state government. Oops, wasn't going to say her name but I'll tell you what, fifty four percent of the people here voted to make sure government wouldn't be easily able to raise their taxes. I love the Twenty Fourth District out there where we want to put those logging trucks. These are blue collar workers. These are the people who have been out of a



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job and these are the people who struggle with the economy and they're smart people. They are informed people. I hate anybody call anybody's people in anybody's district not so. Sixty six percent of the people in that district out on the Peninsula where they suffer from the recession, where we would call it a depression, voted for 1185. So, I think we'll hear some discussion on the floor. I'd like to have people stand up and argue against what the people did. One little thing, I believe, one, two, three, four, five. Five legislative districts in the state of Washington voted against this. It's really hard to see this Mr. President; may I show my small little illustration?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "You may Senator Roach."

REMARKS BY SENATOR ROACH

Senator Roach: "Thank you Mr. President. This is a picture of the state of Washington and embedded there with that dark orange color, its bronco color I made sure, everything else is Seahawks color ok. So, in the Bronco color you will see these districts in downtown Seattle. Those are the only places that voted against 1185. And then this spring here, all this green stuff all that Seahawk green stuff, that's the rest of the state where we overwhelming to bring the average sixty four percent of the people voted for 1185. I look forward to the debate and the closing debate. Thank you Mr. President."

REMARKS BY SENATOR KLINE

Senator Kline: "Thank you Mr. President. Very often leadership consists of getting what the folks want. They elect you to go get it, you go get it. That's sometimes what defines leadership. Sometimes leadership consist of turning to the folks who want something and having to tell them why not. That's the tougher aspect of leadership. The good Senator that just read out the numbers also read out the numbers of districts represented by people that are going to show real leadership here. I appreciate that. It's easy to fight against taxes. Tax cuts are like candy in a candy store. All the kids want some. And like some parents we are sometimes in the position of having to say no for their own good. I know that sounds, what's the word? it sound parental. It sounds we know better. Sometimes its leadership and it's not funny and I don't have to worry about it. My district is one of those little districts in there colored so faithfully in Bronco colors. The fact is in my district the people understand the need for government to work. They do not want government to be so starved that it can be dragged into somebody's bathtub and drowned which is the purpose of all of this. So, they voted no and I urge you to vote no. Thank you."

REMARKS BY SENATOR HARGROVE

Senator Hargrove: "Thank you Mr. President. Well, I made it a history of standing for things consistently over thirty years and some of those over time aren't so popular and some of those things people on your side of the aisle appreciate even maybe not so popular in my district. I was full well ready to vote for this constitutional amendment had we dealt with the tax loophole issue, the transfer sheet, etc. I spent six months here last year, I spent way more time with Senator Hill than I did with my wife and family. It's not that you're a bad guy. It was a very difficult session to pull together a budget. And the two pieces of that budget that we pulled together that made it work was the Bracken

fix and the telecom bill, both would have required a two-thirds vote. We just barely got through as it was before we caused a major disaster. So, when we're dealing with tax loop holes, and we're dealing with tax preferences and we're dealing with things that affect a small percentage of people in most cases, or at least could, in most cases and perhaps have even been through the tax preferences committee that says that they're not working and we're not talking about sales tax on food here. I don't believe that one has been before the sales preference committee. We're talking about lots of things that were set up at different points and time when things have changed. So, if we had made that amendment then I think that this would have been a reasonable constitutional amendment to put in because we would have been dealing with big new things, like the income tax or like raising the sales tax rate. I wanted to respond to one other point here. That is that the public was saying 'reform before taxes.' Well, over the last six years of the recessionary period, if we had just done carry forward on current programs without any new crimes of the day or whatever, our budget would be around forty four billion. And right now it's around thirty two billion. That's about a twenty five percent decrease in programs because of reforms we've done. We've essentially completely eliminated the GAU program for people who are unemployable right now. They don't get a cash grant anymore. We've cut housing programs. We've cut TANF grants. We've made cuts and reforms all through our budget to lower most of what we had to cover there, through reforms and cuts. And very little in revenue came in during that period. I think the natural tendency of the Legislature is to be very skeptical of taxes. The public's natural tendency is to be very skeptical of taxes. And, like I said, had this particular amendment been adopted and we limited it to big new things that I think certainly raises the level of two-thirds vote. But for small tax preferences, whether it be for bull semen or whatever else might get a tax preference, you know I'm not sure that raises to the two-thirds level. Also, I would like to just talk, my final point is about math because this isn't two-thirds. This is really twelve percent because the House could pass a tax loophole closure unanimously and send it over to the Senate and seventeen members in the Senate could stop that from being changed. So, that's twelve percent of the entire Legislature could stop a tax loophole. So, when you get down to that size of a vote then it raises questions about, are we going to have, well, even if we have a big emergency. Let's say we have a tsunami on the coast in that same area that's so depressed and our budget is totally turned upside down because I have cities under water. We could still people in other areas saying, 'you know, we agree we need more money, we need to raise taxes but only when we do this reform bill, that reform bill, this reform bill, that reform bill.' And we've seen that kind of scenario in the not-so-distant past. So I would just say, like I said, you can talk to our Whip if you want. I was prepared to vote for this with the amendment on it. Without the amendment on it, I think it creates all sorts of problems going forward and I'm going to be voting no."

REMARKS BY SENATOR BENTON

Senator Benton: "Thank you Mr. President. Well I'd like to remind the body that whether or not you like the two-thirds concept, which I certainly like. There's no reason to vote yes or no on this bill. The previous speaker said it could create some problems. They're not any different than any problem that we have on any other piece of legislation we pass. The House passes anything a hundred percent, the same scenario applies. So, it's not any different than regular business around here. It's not an issue whether you like this bill or not. The issue is, do you believe the

people have the right to say? You're not voting today to create a two-thirds cap on requirement for raising taxes. The people of the state have already done that. Our activist Supreme Court decided they didn't like it and threw it out which leaves the only recourse for the citizens of this state is to put it into the Constitution. And that's what this vote here represents. It's a vote to allow the citizens of this state. Now a few years ago the very same argument was made on the other side, Mr. President, that we should allow a simple majorities for school levies to go to the vote of the people and that voting for it or against it on the floor had nothing to do with the actual content of the legislation. It had to do with whether or not you thought the people of this state had a right to vote on it. I submit to you the same argument me make here today. Your yes or no vote on this bill, SJR 8213, reflects whether or not you believe citizens in your district have a right to vote on a constitutional amendment proposed by the Legislature. And why is the Legislature proposing a constitutional amendment? Because the citizens by an overwhelming majority, forty five, forty four out of forty nine districts voted this in with a sixty percent plus vote. Yet the court knocked it down. That's why. So, we say ok, we're going to honor the will of the people of this state and we're going to honor the will of the people in our district and we're going to give them the opportunity to weigh in on this. If they like it, if they still like it, like they did last November then they'll vote for it and if they don't it will never become part of the Constitution. But make no mistake about it, your vote here today will be recorded as a vote not only on the measure but more importantly on whether or not you trust the citizens of this state to add items to their Constitution. The Constitution of this state puts all legislative power in the hands of the citizens and thank goodness for that. You know, very few states only about seventeen have referendums and initiative opportunities and that's because the people that move west after living in states where they had tyrannical state governments decided that when they created these new states they wanted one last stop-gap measure to protect themselves from their government. And that's why they put referendum and initiative clauses in this Constitution. And that's why we have the right to amend our Constitution by putting a measure out to the people to vote on. Now, I believe citizens have a right to add or take away from their Constitution. Certainly the other side agreed to that when it was a simple majority for school levies. I certainly hope that those, especially in southwest Washington, which I represent, and I looked at every district Mr. President, if I may read from the list?"

#### REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Senator Benton, you may read, briefly."

#### REMARKS BY SENATOR BENTON

Senator Benton: "Thank you. That every district in southwest Washington Mr. President has passed this measure overwhelmingly. Even in downtown Vancouver, in the forty ninth district, sixty seven percent ,more than two-thirds of the citizens voting in downtown Vancouver have supported 1185. In every other district in southwest Washington has even a higher percentage than that and that's pretty much true for most of the rest of the state. So I would say that the five districts that didn't pass this, you want to represent your folks back home? Go ahead and vote no. But for the forty four districts that had an overwhelming vote on this measure, if you want to represent your citizens today, which you have been elected to do, you should give them an opportunity to vote on this measure by voting yes

today and putting it on the ballot this November. Thank you Mr. President."

#### REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Mr. President. I appreciate this debate. I think it is about the heart of our democracy and that is how do we make decisions together? I appreciate the previous Senator's comments about giving the people the choice to vote on this important issue and Mr. President when we look at our state Constitution, it is unique compared to some of these other western states. In Oregon and in California the people themselves can amend the constitution directly at the ballot box. But Mr. President here in Washington our framers decided they wanted the Legislature to play a role in determining in how we change our fundamental governing document. That's why this issue is before us today. It isn't just about what do the people of Washington State want or believe, it's also about what do we, their elected representatives, believe is in the best interest in our state. That's why I'm rising in opposition to this constitutional amendment. I believe that adopting this constitutional amendment would not move our state forward. It would not be a good decision for the people of the State of Washington and I have in a unique position. I get to represent the city of Mukilteo and one of my constituents has been a frequent sponsor of initiatives on this subject Mr. President. So, I hear a lot from my constituents about these particular issues. In fact, the constituents in my district have voted both for and against these proposals. Initiative 960 they voted against a super-majority requirement and in later votes they voted for it. So, I think the citizens of Washington are not firmly decided on how they want us to move forward. I think a couple of good reasons why this is not the right answer for our state. Firstly, our system is funded on majority rule. The majority makes the decisions in our system of government and I moved recently from a situation where I was in that majority and today I serve in a situation where I'm not in the majority that makes the decisions and yet I remain firmly fixed to that position. That the majority in the Senate, the majority in the House should be able to make the decisions on behalf of our people. Thomas Jefferson told us, a group of citizens in a letter that where the principal of majority rules ceases to exist their government ends. Our founding fathers really believe that giving the majority the right to make decisions is the only way that that system could work. Mr. President, I also rise in opposition because I believe that this enshrines the special interest tax breaks and loop holes in our tax code forever. We know that the special interest have a lot of voices in the legislative process and convincing seventeen members of this body to oppose a repeal is very simple, out of one hundred forty seven legislators. And so, requiring a two-thirds vote to get rid of even one of those loop holes, even loop holes that were created a long time ago that have no purpose today, that the commission on citizenship commission he said serve no purpose, that every newspaper in our state say have no purpose couldn't be repealed if seventeen senators could be convinced to vote against it. The final reason I rise in opposition to this is because I believe it's time for Washington to invest in our transportation system. When I look back at 2003-2005, the last two times this state approved a transportation revenue package is to invest in congestion relief in my district and in yours. Neither of those bills received a two-thirds vote by either chamber of the Legislature. Our Legislature would not be able to make the difficult decisions around transportation if we were called to reach that super majority fairly. Raising taxes is difficult and so is deciding which projects to fund and if seventeen senators could say, 'I won't vote for this until my pet project is included,' that is what breaks down the system. That's

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why Thomas Jefferson said a majority should make the decisions. That's why I'm rising in opposition in this amendment and I hope you'll join me in standing up for the majority rule in Washington and for a transportation revenue investment package."

#### REMARKS BY SENATOR ERICKSEN

Senator Ericksen: "Thank you Mr. President. Rising to support of the Senate Joint Resolution, on the senate floor we can talk about the Constitution and we can view the tax increase issue from these chambers here. But I think it's important that every single decision that we make we think about it from the people on the ground, in our own communities of a family of four. What does it mean to them? What does it mean to a small business owner in our districts? Mr. President, I asked my staff this year to go through and add up all the tax proposed this year and how would that impact a family of four that live in Ferndale? And you look at all the ones that are out there, the tax increase that's coming up, that's proposed out of the House, the one percent for education from OSPI, gas taxes, weight fees, all the different taxes that are being proposed that are added on to the people of Washington State. For a family of four, we're looking at upwards of three thousand dollars in Ferndale in tax increases. And now, for those people, that's real money. For me, that's real money. And why the people all over Washington support the two-thirds requirement? Because they're worried about the government continuing reaching into their pockets and taking out their money. They're worried about how much Obama Care is going to cost them. They're worried about how much a low carbon fuel standards going to take out of their daily, their ability to get around and communicate and drive their kids around. There's real fear out there in our society about the government reaching in and taking money from you. And that's why the people support this. That's why we should let them vote on it. And I believe last year this legislative body, we came together and two-thirds voted to repeal the sales tax exemption on land lines for phones. We came together and did that, two-thirds vote. There are many times we have come together and said we can work together with the two-thirds vote to get these things done. Sometimes we don't even think about needing two-thirds, we just do it. And for how many years for all of these tax exemptions incentives been on the books when only a simple majority was required to repeal them and we never did? We never did with a simple majority either. So, what the people are asking for is a little bit of protection to feel safer in their homes, to feel the taxes, if we're going to go take more of their money out of their wallet it's going to be a little bit harder for us to do that here because as hard for us to get the two-thirds. Think how much harder for that family of four living in Ferndale to live with three thousand less dollars in their checking account because twenty-five people here and fifty people over there said they know how to use your money better. We're not saying, get rid of taxes. Taxes will continue to grow in Washington State. We'll still be getting more money coming in. And when we have an emergency, we should be able to come together. I believe in these institutions can put aside partisan politics in times of emergencies and crisis to come together and get the votes needed to protect the communities in Washington. We'll do that but the people need protection. They need to feel safe and they need to know that we aren't simply going to go out and reach into their pocket books, into their small businesses and take their money without having at least a two-thirds vote here in Olympia. This is a great initiative. The people deserve to have the chance to vote on this and I believe overwhelmingly they will support this and they will tell us in Olympia, 'Do your job better.'"

#### REMARKS BY SENATOR KEISER

Senator Keiser: "Thank you Mr. President. After a long debate and a long week in the Legislature I like to go home on Friday nights, turn on TV, kick back and watch a comedy show; Bill Maher. One of my favorite parts of the Bill Maher program is something called 'New Rules.' We're doing this today, we're doing new rule, it's called the rule of seventeen, it's called super minority rules and it's a bit of a comedy, in my opinion. We're talking about tax increases? The state sales tax has not been increased since 1983. Since 1983 how many tax loop holes have we passed? Count them up, dozens and dozens more. We're good at passing tax loop holes and in this proposal before us we will lock in every one of those tax loop holes. They will be there forever because we have new rules. I urge you to vote no."

#### REMARKS BY SENATOR ANGEL

Senator Angel: "Thank you Mr. President. I think the bottom line of this today is the will of the people. The people voted for this. They gave us our marching directions and in my district darned near seventy percent of those people said two-thirds is appropriate. We are here to do the peoples' work. They have spoken. Let's give them the chance to speak again. I believe they've already spoken but let's give them that chance again. 'The Will of The People.' Thank you Mr. President."

#### REMARKS BY SENATOR HASEGAWA

Senator Hasegawa: "Thank you Mr. President. The good Senator from the Thirty First called out the Eleventh District and she wanted a response so I'm more than willing to, happy to give that response. She said that sixty two percent of my district voted for the unconstitutional imitative that does what the constitutional amendment does. That's true. People think that the Eleventh District is this great bastion of liberalism. It's not that. They're just good down to earth, hardworking folk that are tired of seeing this huge disparity happen within our society. They're tired of, they're feeling over taxed. Maybe they are because over time there's been this huge shift of tax burdens from the corporations and the one percent onto working families and they're tired of it but this constitutional amendment doesn't help bring fairness back into our tax system. So, to respond to that sixty two percent that voted for the two-third initiative. Subsequent to that I was elected with almost seventy percent and my campaign issue has always been to bring fairness back into our tax system. It seems like, and as I mentioned earlier, those that have the most money to invest in our legislative process are able to get the best tax breaks. That's totally wrong. If our legislative body wants to re-shift and say let's bring fairness in our system again, we have to have the ability to do that. Our constituents elect us to do just that, to bring fairness into the system. This whole question of the two-thirds vote was addressed by our founders who wrote the Constitution. They specifically looked at this issue and rejected it because they knew that growing a state from the wilderness into one of the top thriving metropolis and centers of industries in the world required an investment. That investment comes in the form of taxes. Taxes are the dues that we pay to live in a civilized society. If we want to continue to have hope for our children and their future in a growing global economy, we have to be able to invest in it. It's not just going to spring up from the dirt. We are elected to represent our people and use our best judgment and if they don't like the decisions we, make vote us out. That's democracy. But a two-thirds, to impose a minority rule, that is, it's a blasphemy,

against democracy. In our union, Teamster's Union, we use to have minority rule and I ran on a reform platform and we were able to get from minority rule back to majority rule. I am very proud of that accomplishment but to see our Legislature take a step backwards to minority rule just seems like blasphemy of democracy and what it is all about. So, I think this bill should probably be called 'the protect corporate tax loop holes act' because essentially that's what it does. It blocks us from bringing fairness back into our tax system. I very strongly urge a 'No' vote against this constitutional amendment."

#### REMARKS BY SENATOR PEDERSEN

Senator Pedersen: "Thank you Mr. President. I rise to make two quick points, and I guess I will just note for the gentle lady from the Thirty First District my district is probably at one end of the spectrum in the voting on this and consistently opposed to the initiatives that were before the voters, but the two points are these: number one, there is nothing about the current system that prevents any tax payer from bringing an initiative to undo or for that matter bring a referendum petition to undo actions by this Legislature in quote unquote 'raising taxes.' If he or she is satisfied with those specific decisions made by the legislature. And in the relevantly rare cases where this Legislature has taken action to raise taxes, the citizens have not been bashful about exercising those constitutional rights. The other point that I would like to make is that although there has been repeated reference to the will of the tax payers and the strong support around the state for these initiatives, none of the five initiatives that have passed for the last twenty years came anywhere close to the level of support that the citizens across the state showed for teacher COLA and for reducing class sizes. And one of the pickles that this constitutional amendment would inevitably put us in is an inability to find our obligations to our kids in public schools. So, I think this is a bad policy direction for us and I urge rejection of the amendment."

#### REMARKS BY SENATOR BRAUN

Senator Braun: "Thank you Mr. President. So, I rise in support of this resolution. This is easy for me I personally supported the initiatives. All five of them. My district supports them by seventy five percent. I believe in the wisdom of the people so perhaps you can draw from that that my district is wiser than other but I won't say that here. What I really want to talk about is I want to talk about is I want to address this notion that government would be unworkable with this constitutional amendment. I think that just going back one year will prove that to be false. We're all familiar with the five tax increases that would be subject to this that we passed last year. There were five on the advisory ballot. We all got to explain them in our districts. Four of those five passed by greater than two-thirds majority. Some of us didn't even realize that they were passing by greater than two-thirds. They were just the right thing to do so we did the right thing. The one that didn't was the Bracken decision. I'm familiar with that because I a role in negotiating it. I would submit, and even though I supported the ultimate solution, I would submit that we could still have gotten to a two-thirds support on that and we would have gotten a better result for the State of Washington. So, to suggest that we can't do our job well, or we can't do our job even, with this requirement is simply not the case. Yes, we have to do hard things but hard things are doable and this doesn't stop us from getting the will of the people done. So, with that, I would urge your support of the amendment. Thank you."

#### REMARKS BY SENATOR KOHL-WELLES

Senator Kohl-Welles: "Thank you Mr. President. I rise in opposition to this measure. And it's really interesting, we keep hearing about the will of the people. We cannot betray what the will the will of the people is, what our constituents want but we have had many initiatives that have been approved by the voters but there's one that was approved very sizably. However, there are those in this chamber who consistently, year after year, after year introduce legislation to repeal or amend this particular initiative that was approved by the voters overwhelmingly in 1998. It was Initiative 688 that was approved by sixty-six point fourteen percent. What was that initiative? It was Initiative to support the minimum wage. We have legislation this year to amend that, year after year after year. And it's really interesting to me that with that particular initiative the will of people apparently does not count."

#### REMARKS BY SENATOR MCAULIFFE

Senator McAuliffe: "Thank you Mr. President. I stand in opposition to Senate Joint Resolution No. 8213. We have a constitutional obligation to fully fund basic education. Our children deserve a strong education system that fully funds their opportunity to have a class size where they have the opportunity for individual attention. We have an obligation to make sure that those teachers in that classroom have the professional development and the tools they need in order to be a high quality teacher. They are the key to our children's education. The McCleary court order has told us that we must fully fund basic education, that we have not lived up to our constitutional obligation. Ladies and Gentlemen of the Senate, I say this because in 2007 we passed a simple majority and the vote was 33 to 16. It took us fifteen years to pass the simple majority, fifteen years. That is how difficult it is to get the kind of votes we need for our children when we talk about our need to fund education. So, we have until 2018 now. We need to approximately think about eight billion dollars to fully fund basic education and I will challenge you, each and every one of you to take a two-thirds vote on the taxes needed to fully fund education for our children. So, fifteen years, remember that. Our kids cannot wait. I ask you to vote no."

#### MOTION

On motion of Senator Braun and without objection, the remarks regarding on the final passage of Senate Joint Resolution No. 8213 were spread upon the Journal.

#### REMARKS BY SENATOR ROACH

Senator Roach: "Thank you Mr. President, ladies and gentlemen of the Senate. In closing debate I wanted to mention a few things. First of all, the good senator from the Forty Third, I think he's sitting there, mentioned the good senator from the Thirty-First, that would be me, talked about the number of people that voted for 1185. It is true, that 1185 did not have the percentage that was highest in state history but they had the number of voters, one point nine million people voted in favor of 1185. Every time, in the five times that this issues come before the voters, the number of voters has increased as has its percentage. I wanted to address the good senator from the Eleventh talking about a huge tax shifts and talking about tax breaks that there totally wrong and so forth. Well, a couple of things, the people of the state do have the right to referendum. If there's something there that they haven't liked, then that should

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go to the referendum but I will tell you that these things passed, the last time twenty five years we could say, under a very progressively dominate Legislature. I think the House was only in the hands of the Republican party for just a couple of years, there was a tie. I've served under the governor's, Governor Gardner, Governor Locke, Governor Gregoire, Governor Inslee and those governors have to sign the bills. So, if we're complaining about what somebody might say is a loop whole obviously there was a more prevailing argument or they wouldn't have passed the more liberal body in both of these chambers as it's been historically or they would not have received a vote, a signature from the Governor. I want to talk about those people that are in need. I looked at these vote totals. The senator from the Seventh District, we've talked in committee about the unemployment rate, which is near thirty percent I believe. The income rate, average income is twenty four thousand dollars a year. These are people that we might logically think are benefiting greatly from the services that the government may give from food stamps, from a variety of programs and so forth and yet seventy-five percent of the people in the Seventh District did in fact vote in favor of 1185. It says something about their character probably that they want to be able to have that chance to succeed and they know they can't do if their taxes are too high and that they are prohibitive and if government doesn't reform itself. The good senator from the Nineteenth District, another area that I think most people think is not the most prosperous in our state, seventy percent of the people, seventy percent of the people, many of whom are availing themselves of the programs. The senator from I believe it is Senator Kline, I'm going to guess, Pardon? The Thirty Seventh District. Well, I think what you stated had to do with the fact that we needed more money to provide good government. In order to have that, we have to raise taxes and that is extremely well-stated for the people in your district Senator Kline, I always thought you did. You're my wonderful nemesis and sometimes we..."

REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Senator Roach, would you address the President with your comments?"

REMARKS BY SENATOR ROACH

Senator Roach: "Thank you Mr. President. So, what I would like to do is close by saying again that this measure has not been exceeded in state history by the number of registered voters who voted for the initiative but this measure has been passed in seventeen other states similar measures. This measure is one that the people of the state of Washington want and that we should be, as the previous speaker also said working together. That working together doesn't just mean here. Doesn't mean having a thought that we are better than or more educated than the people. It means we should be working with the people in my opinion and they liked 1185. And I think we should allow them to have a chance to vote for it in a form of a constitutional amendment. I urge passage of the resolution."

Senator Braun moved that all the remarks be spread upon the journal.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Joint Resolution No. 8213.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8213 and the resolution failed to pass the Senate by the following vote: Yeas, 25; Nays, 21; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Dammeier, Dandel, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Hargrove, Hasegawa, Hatfield, Keiser, Kline, Kohl-Welles, Lias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

Excused: Senators Baumgartner, Frockt and Hobbs

SENATE JOINT RESOLUTION NO. 8213, having failed to receive the necessary constitutional majority, was declared lost.

STATEMENT FOR THE JOURNAL

On February 5, the Senate considered Senate Joint Resolution No. 8213, which, if passed by a two-thirds supermajority, would have placed a proposed constitutional amendment before the people. That amendment would have, if passed, required a two-thirds vote in each chamber of the legislature in order to raise taxes. Upon final passage, the resolution received 25 'Yea' votes, eight short of number required for passage.

I was excused from voting by the President. Had I been present, I would have voted 'No'"

SENATOR FROCKT, 46TH LEGISLATIVE DISTRICT

MOTION

At 12:42 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:37 p.m. by Vice President Pro Tempore, Senator Brown presiding.

MOTION

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

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 5, 2014

SB 6350 Prime Sponsor, Senator Roach: Securing damages for persons injured by violations of the state Constitution. Reported by Committee on Law & Justice

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille; Kline, Ranking Member; Pearson and Pedersen.

Passed to Committee on Governmental Operations.

MOTION

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

MOTION

At 3:38 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Thursday, February 6, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate



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	Third Reading Final Passage .....	6	6550	Introduction & 1 <sup>st</sup> Reading .....
5520	Committee Report .....	1	6551	Introduction & 1 <sup>st</sup> Reading .....
5741	Committee Report .....	1	6552	Introduction & 1 <sup>st</sup> Reading .....
5996	Second Reading .....	6	8015	Committee Report .....
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	Other Action .....	5	9234 Jeffrey Charbonneau	Committee Report .....
6013	Second Reading .....	7	9235 Frederick Goldberg	Committee Report .....
	Third Reading Final Passage .....	7	9241 Debbie J Ahl	Committee Report .....
6017	Committee Report .....	1	9248 Jack Burkman	Committee Report .....
6040	Committee Report .....	1	9255 Betty J Cobbs	Committee Report .....
6045	Second Reading .....	6	9270 Claire Grace	Committee Report .....
	Third Reading Final Passage .....	6	9273 Heidi Heywood	Committee Report .....
6052	Committee Report .....	1	9277 Uriel R. Iniguez	Committee Report .....
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