

EIGHTY FIFTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Monday, April 6, 2015

The Senate was called to order at 1:00 o'clock p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Kianna Newcomb and Logan Riley, presented the Colors.

Senate Page Peter Kosierowski, a sophomore at Northwest Christian High School and guest of Senator Fraser, led the Senate in the Pledge of Allegiance.

Reverend Robert Brzezinski, Senior Minister and Spiritual Director at Center for Spiritual Living in Olympia 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 fourth order of business.

MESSAGE FROM THE HOUSE

April 2, 2015

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1106,

ENGROSSED HOUSE BILL NO. 1115,

SUBSTITUTE HOUSE BILL NO. 1166

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

Senator Parlette announced a meeting of the Majority Coalition Caucus immediately upon going at ease.

Senator Fraser announced a meeting of the Senate Democratic Caucus immediately upon going at ease.

MOTION

At 1:07 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 1:41 p.m. by President Owen.

MOTION TO LIMIT DEBATE

On motion of Senator Fain and without objection, pursuant to Rule 29, debate was limited through the remainder of the day.

PERSONAL PRIVILEGE

Senator Hargrove: "Well I noticed Mr. President that I showed up with my TVW Cammy Award on my desk. I think that

we received it together again this time. It seems to me like the last time I got one of these was when we had a stellar performance on the floor – I'm giving you time to think of a response here by the way. We all know who George is and who Gracie is in this particular arrangement. Anyway, so, I appreciate your input so I can get this award."

REPLY BY THE PRESIDENT

President Owen: "You're always so good at feeding me great lines to follow through on."

MOTION

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 6088, by Senate Committee on Ways & Means (originally sponsored by Senator Braun).

Making K-12 education enhancements.

The bill was read on Third Reading.

POINT OF ORDER

Senator Liias: "In our previous debate, Senate Frocht raised the question about whether Substitute Senate Bill No. 6088 is effectively repealing or suspending Initiative 1351 by delaying its implementation pending a vote of the people and I would like a ruling on whether this is indeed the case."

RULING BY THE PRESIDENT

President Owen: "Well, Senator Liias, it just so happens that I'm prepared to respond to you. I could do it simply but let's do it this way."

"In ruling upon the point of order raised by Senator Liias asking the number of votes required to pass Substitute Senate Bill No. 6088 – that is the basis of your question, the President finds and rules as follows:"

"Initiative 1351 passed in November of 2014 and generally directs that lower class sizes be funded in all grades. Substitute Senate Bill No. 6088 amends the initiative in a number of ways, subject to approval by the voters. The President believes that there is no dispute as to this point. The question is the number of votes required to amend an initiative within two years of its enactment. Article II, Section 41 and Article II, Section 1, subsection c of the state constitution provides two options for amending a recently enacted initiative:

1. The Legislature may amend an initiative 'by a vote of two-thirds of all the members elected to each house. . . .' or
2. The initiative 'may be amended or repealed at any general regular or special election by direct vote of the people thereon.'"

"The President believes that the term 'direct vote' encompasses both the scenario where the people file an initiative and where the Legislature refers a proposal to the voters in the form of a referendum. As there is no requirement for a supermajority vote to refer a bill to the people, the President finds that this action requires only a majority vote."

Senators Braun and Benton spoke in favor of passage of the bill.

Senators Hargrove, Liias, Habib spoke against passage of the bill.

REMARKS BY THE PRESIDENT

President Owen: "The President is going to make one caution that I think is necessary and possibly should have done the other night and that is please refrain from referencing the motives of another member of the body. That is not allowed in your rules."

"Secondly, the other thing that I wanted to mention was, the actions of the House also are not to be, or the intent of the House are not to be referenced in debate. That rule is again one of your rules. The purpose of that is that the decisions that are to be made in this body are to be made by this body and not be influenced by the actions in the other body. So, the President just felt that it necessary, after listening to the debate the other and a little bit today, that maybe I should clarify those rules."

Senators Dansel and Baumgartner spoke in favor of passage of the bill

Senators McAuliffe and Hobbs spoke against passage of the bill.

POINT OF ORDER

Senator McAuliffe: "Mr. President, I believe the Senator is talking about, impugning the motives of the initiative, people that brought this initiative to us."

RULING BY THE PRESIDENT

President Owen: "Senator McAuliffe, the rules of the Senate and the House of Representatives and the joint rules protect you, and the Senate and the House but not those people out as far as what is said in debate. So if he wishes to say whatever he wants about the initiative process etc., he may do that. Senator Baumgartner."

Senators Roach and Angel spoke in favor of passage of the bill.

Senators Pedersen, McCoy and Rolfes spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6088.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6088 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Honeyford, King, Litzow, Miloscia, Mullet, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Warnick

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hobbs, Jayapal, Keiser, Kohl-Welles, Liias, McAuliffe, McCoy, Nelson, Pedersen, Ranker and Rolfes

SUBSTITUTE SENATE BILL NO. 6088, 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 SUBSTITUTE SENATE BILL NO. 5077, by Senate Committee on Ways & Means (originally sponsored by Senators Hill and Hargrove).

Making 2015-2017 operating appropriations. Revised for 1st Substitute: Making 2015 fiscal year and 2015-2017 fiscal biennium operating appropriations.

The bill was read on Third Reading.

Senators Hill, Hargrove, Baumgartner, Miloscia, Sheldon, Ericksen, Padden, Bailey, Dansel, Roach, Benton, Becker, Parlette, O'Ban and Schoesler spoke in favor of passage of the bill.

Senators Keiser, Pedersen, Chase, Frockt, Fraser, Darneille, Jayapal, Habib, Kohl-Welles, McAuliffe and Nelson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5077 and the bill passed the Senate by the following vote: .Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Honeyford, King, Litzow, Miloscia, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Warnick

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hobbs, Jayapal, Keiser, Kohl-Welles, Liias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

ENGROSSED SUBSTITUTE SENATE BILL NO. 5077, 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 Fain, the Senate reverted to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1106 by House Committee on Appropriations (originally sponsored by Representatives Hunter, Ormsby, Sullivan, Gregerson and Reykdal)

AN ACT Relating to fiscal matters; amending RCW 15.76.115, 28B.15.069, 28B.50.140, 28C.04.535, 38.52.540, 41.26.802, 41.60.050, 43.08.190, 43.09.475, 43.79.480, 43.101.200, 43.101.220, 43.155.050, 43.325.040, 46.66.080, 66.08.170, 67.70.190, 67.70.260, 70.96A.350, 74.12.037, 74.13.621, 77.12.203, 79.64.040, 79.105.150, and 86.26.007; amending 2014 c 221 ss 101, 102, 105, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 122, 125, 126, 127, 129, 130, 134, 135, 136, 140, 141, 143, 146, 148, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 217, 218, 219, 220, 221, 222, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502,

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Referred to Committee on Ways & Means.

EHB 1115 by Representatives Dunshee, DeBolt, Gregerson, Morris and Reykdal

AN ACT Relating to the capital budget; amending RCW 27.34.330, 28B.20.725, 28B.15.310, 28B.15.210, 28B.30.750, 28B.35.370, 28B.50.360, and 43.155.050; reenacting and amending RCW 70.105D.070; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 1166 by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Gregerson and DeBolt)

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AN ACT Relating to state general obligation bonds and related accounts; amending RCW 43.99Y.010 and 43.99Y.020; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

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

MOTION

At 3:35 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 o'clock noon Tuesday, April 7, 2015.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

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