

FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, November 28, 2011

At 12:00 noon, pursuant to law, the Senate of the 2011 Second Special Session of the Sixty-Second Legislature of the state of Washington assembled in the Senate Chamber at the State Capitol. President Pro Tempore Margarita Prentice, called the Senate to order. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Baxter, Carrell, Delvin, Holmquist Newbry, Plug and Zarelli.

The Sergeant at Arms Color Guard consisting of Senators Mike Hewitt and Lisa Brown, presented the Colors. Pastor John Rosenburg of the Lutheran Church of the Good Shepard of Olympia offered the prayer.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR

PROCLAMATION BY THE GOVERNOR

11-13

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2011 regular session on April 22, 2011, the 103rd day of the session; and

WHEREAS, the Legislature reconvened on Tuesday, April 26, 2011, to continue work on the 2011-2013 biennial operating budget, 2011-2013 capital budget, and related bills; and

WHEREAS, the Legislature adjourned the 1st Special Session of 2011 on May 25, 2011, after approving the 2011-2013 operating budget, 2011-2013 capital budget, and related bill; and

WHEREAS, the Economic and Revenue Forecast Council adopted a September 2011 forecast that reduced expected state revenues by nearly \$1.4 billion in the 2011-2013 biennium; and

WHEREAS, on November 16, 2011, the Caseload Forecast Council will meet and on November 17, 2011, the Economic and Revenue Forecast Council will meet, to provide additional projections for the 2011-2013 biennium; and

WHEREAS, timely legislative action is needed to secure the State's fiscal health and address the shortfall in the 2011-2013 operating budget; and

WHEREAS, the Speaker of the House, House Minority Leader, Senate Majority Leader, and Senate Republican Leader working together with the Governor may agree upon additional matters that are necessary for the Legislature to address;

NOW, THEREFORE, I, Christine O. Gregoire, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section

7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia on Monday, November 28, 2011, at noon for the sole purpose of enacting legislation addressing the 2011-2013 Operating Budget.

Signed and sealed with the official seal of the state of Washington this 27th day of October, A. D. Two-thousand and Eleven at Olympia, Washington.

(Seal)

CHRISTINE O. GREGOIRE,
Governor of Washington

BY THE GOVERNOR
SAM REED
Secretary of State

RESIGNATION LETTER

Honorable Christine Gregoire
Washington State Governor
Office of the Governor
P. O. Box 40002
Olympia, WA 98504

June 6, 2011

Dear Governor Gregoire:

This letter serves to notify you of my intention to resign my seat in the Washington State Senate, effective June 30, 2011.

In addition, I wish to advise you that I am honored to accept the appointment you have graciously extended to me, to serve as a member of the Northwest Power and Conservation Council, commencing July 1, 2011. I look forward to enhancing the working relationship between your office and the Council, and to ensuring that our State's needs and interests are advanced through the work of the Council to the maximum degree possible.

Permit me also to express my thanks for the wonderful manner in which you advised me of your appointment by traveling to the Senate chamber the day before Sine Die last week! That was a very special moment for me, one that I shall treasure. Your action also made it possible for me to share the news with my colleagues and to wish them farewell shortly before we adjourned Sine Die. After 13 years, it was with distinctly mixed feelings that I announced my departure; but at the same time, I am very excited at the prospect of continued public service to our State and the Pacific Northwest region as a member of the Council.

Again, thank you for this wonderful opportunity.

Sincerely,
State Senator Phil Rockefeller
23rd legislative District

APPOINTMENT OF SPECIAL COMMITTEE

The President Pro Tempore of the Senate appointed a committee of honor consisting of Senators Kline and King to escort Associate Chief Justice Charles Johnson to the rostrum.

KITSAP COUNTY COMMISSIONERS

Resolution No. 100-2011

RESOLUTION APPOINTING CHRISTINE ROLFES TO FILL THE VACANCY TO THE 23RD LEGISLATIVE DISTRICT SENATE

WHEREAS, Phil Rockefeller, a Democrat, serving as Senator for the 23rd Legislative District resigned his position effective June 2011;

WHEREAS, Article II, Section 15 of the Washington State Constitution requires that vacancies in any legislative district elective office shall be filled by appointment by the county legislative authority of the county, and the person appointed to fill the vacancy must be from the same legislative district and the same political party as the partisan legislator whose office was vacated, and must be one of three persons nominated by the county central committee of that party;

WHEREAS, on July 12, 2011, the Democratic Central Committee of Kitsap County officially nominated three persons to fill the vacancy created by the resignation of Phil Rockefeller, a Democrat residing in the 23rd Legislative District; and

WHEREAS, at a regular meeting on Wednesday, July 20, 2011, the Board of County Commissioners selected Christine Rolfes to fill the vacancy created by the resignation of Phil Rockefeller.

Now, Therefore, the Board of County Commissioners resolves as follows:

Christine Rolfes being duly qualified is hereby appointed to fill the 23rd Legislative District Senator vacancy and hold office until the general election of 2012.

Adopted this 20th day of July, 2011

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON
CHARLOTTE GARRIDO, Chair
ROBERT GELDER, Commissioner
JOSH BROWN, Commissioner

ATTEST:
DANA DANIELS, Clerk of the Board

KING COUNTY SIGNATURE REPORT
KING COUNTY, WASHINGTON

Motion 13597

Proposed No. 2011-0454.2 Sponsors Gossett and Lambert

A motion making an appointment to fill the vacancy in the 46th legislative district of the Washington state Senate.

WHEREAS, a vacancy exists in the position of state senator for the 46th legislative district due to the death of Senator Scott White, and

WHEREAS, the 46th legislative district Democrats have met to consider possible replacements for this position, and

WHEREAS, the King County Democratic Central Committee has submitted the names of three nominees to fill the vacancy;

NOW, THEREFORE, BE IT MOVED by the Council of King County;

David Frockt is hereby appointed to the position of state senator from the 46th legislative district.

Motion 13597 was introduced on 10/31/2011 and passed as amended by the Metropolitan King County Council on 11/14/2011, by the following vote:

Yes: 7 – Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Patterson, Ms. Lambert, Mr. Ferguson and Mr. McDermott
No: 0

Excused: 2 – Ms. Hague and Mr. Dunn

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON
LARRY GOSSETT, Chair

ATTEST:
ANNE NORRIS, Clerk of the Council

The Secretary called the roll of the following newly appointed members of the Senate and all were present: Senators Christine Rolfes and David Frockt.

The Sergeant at Arms escorted each of the newly appointed members of the Senate to the rostrum of the Senate to receive the oath of office.

Associate Chief Justice Charles Johnson there upon administered the oath of office to each of the newly appointed members.

The Sergeant at Arms escorted each of the newly appointed members to their seats on the floor of the senate.

OATH OF OFFICE

I, Christine Rolfes, do solemnly swear that I will uphold the Constitution and laws of the United States of America, the Constitution and laws of the State of Washington, and the rules of the Washington State Senate, and that I will faithfully perform the duties of State Senator to the best of my ability, so help me God.
CHRISTINE ROLFES
Subscribed and sworn to before me this 26th day of July, 2011.

THEODORE SPEARMAN
Judge

OATH OF OFFICE

I, David Frockt, do solemnly swear that I will support the Constitution of the United States and the Constitution and laws of the state of Washington, and that I will faithfully discharge the duties of the office of State Senator of the 46th Legislative District to the best of my ability.

DAVID FROCKT
ATTEST:
Janet Masuo
November 14, 2011

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HOUSE CONCURRENT RESOLUTION NO. 4406, by Representatives Sullivan and Kretz

APPOINTMENT OF SPECIAL COMMITTEE

The President Pro Tempore of the Senate appointed a committee of honor consisting of Senators Kline and King to escort Associate Chief Justice Charles Johnson from the Senate chambers.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

November 28, 2011

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4406, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5965 by Senators Parlette, Pridemore and Fraser

AN ACT Relating to a plan of finance to prevent the default of bonds issued by distressed public facilities districts; amending RCW 82.14.390, 82.14.050, and 43.79A.040; adding new sections to chapter 35.57 RCW; adding new sections to chapter 82.14 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

HCR 4406 by Representatives Sullivan and Kretz

Specifying the status of bills, memorials, and resolutions for the 2011 second special session of the Sixty-second legislature.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and Supplemental First Reading report were referred to the committees as designated with the exception of House Concurrent Resolution No. 4406, which was placed on the second reading calendar under suspension of the rules without objections.

MOTION

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

SECOND READING

Specifying the status of bills, memorials, and resolutions for the 2011 second special session of the Sixty-second legislature.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4406 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4406.

HOUSE CONCURRENT RESOLUTION NO. 4406, was adopted on third reading by voice vote.

MOTION

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

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION

8662

By Senators Brown and Hewitt

WHEREAS, The Senate adopted permanent rules for the 2011-2013 biennium under Engrossed Senate Resolution 8604 as amended by Senate Resolution 8611; and

WHEREAS, The notice requirements set forth in Senate Rule 35 have been satisfied; and

WHEREAS, The Senate desires to make the following changes to the names of the following standing committees: Committee on Agriculture & Rural Economic Development to Committee on Agriculture, Water & Rural Economic Development; Committee on Environment, Water & Energy to Committee on Environment; and Committee on Natural Resources & Marine Waters to Committee on Energy, Natural Resources & Marine Waters;

NOW, THEREFORE, BE IT RESOLVED, That Rule 41 is amended as follows:

"Rule 41. The president shall appoint all conference, special, joint and standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

The following standing committees shall constitute the standing committees of the senate:

Standing Committee

- 1. Agriculture, Water & Rural Economic Development.....8
- 2. Early Learning & K-12 Education.....11
- 3. Economic Development, Trade & Innovation.....9
- 4. Environment(~~(, Water & Energy)~~).....9
- 5. Financial Institutions, Housing & Insurance.....7
- 6. Government Operations, Tribal Relations & Elections.....7
- 7. Health & Long-Term Care.....9
- 8. Higher Education & Workforce Development.....9
- 9. Human Services & Corrections.....7
- 10. Judiciary.....9
- 11. Labor, Commerce & Consumer Protection.....7
- 12. Energy, Natural Resources & Marine Waters.....7
- 13. Rules.....20 (plus the Lieutenant Governor)
- 14. Transportation.....16
- 15. Ways & Means.....20"

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8662.

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

MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

**MESSAGE FROM THE GOVERNOR
PARDONS AND COMMUTATIONS**

May 12, 2011

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

In compliance with the provisions of Article III, Section 11, of the Constitution of the State of Washington, the Governor hereby submits her report of each case of reprieve, commutation or pardon that she has granted since her last report submitted on June 23, 2010, copies of which are attached.

Sincerely,
Narda Pierce
General Counsel

Cc: Jay Manning, Chief of Staff

**FULL AND UNCONDITIONAL PARDON
OF
STARCIA MARIE AGUE**

To all to Whom These Presents Shall Come, Greetings:

WHEREAS, Starcia Marie Ague, as a juvenile, pled guilty to two counts of Robbery in the First Degree and one count of Kidnapping in the First Degree after participating in a March 23, 2003, home invasion robbery in which the occupants of the home were tied up and threatened and items from the home were stolen. These offenses occurred when Ms. Ague was 15 years old. She had been removed from her parents' custody after suffering

abuse, neglect and exposure to criminal activities, following which she was placed in foster homes and then lived on the streets. At sentencing, the juvenile court imposed three 103-129 week sentences to be served consecutively until Ms. Ague reached the age of 21. The juvenile court also imposed restitution and costs, which have been paid.

WHEREAS, Ms. Ague, upon confinement in the juvenile rehabilitation facilities of Naselle Youth Camp and Echo Glen Detention Center, determined to change her life and develop strong positive values and the will to succeed. During her six years in juvenile rehabilitation facilities, she earned her high school diploma and participated in a course of online studies that allowed her to earn college credit. Aided by friends and mentors, Ms. Ague developed and mastered the interpersonal and academic skills necessary to achieve a positive direction in her life.

WHEREAS, after her release at age 21, Ms. Ague entered Washington State University and, while pursuing her degree, worked as an intern with the juvenile unit of the Spokane County Defender's Office and as Residence Life Staff at Washington State University's Orton Hall. She earned a degree in Criminal Justice from the Washington State University.

WHEREAS, Ms. Ague has participated in efforts to improve juvenile rehabilitation by assisting faculty at the University of Washington and Washington State University on projects to improve alternatives to detention for juvenile status offenders and to better equip detention staff and probation officers to deal with mentally ill youthful offenders and their families. She took her passion and commitment to improving the lives of youth in the juvenile justice system to the Washington Legislature. She successfully advocated for Senate Bill 6561, allowing the sealing of juvenile records under certain circumstances, thereby helping to remove roadblocks faced by young adults trying to overcome their juvenile histories. She was awarded scholarships to attend the Georgetown University Certificate Program to Improve Outcomes for Children and Youth Involved in the Child Welfare and Juvenile Justice Systems.

WHEREAS, Ms. Ague is now 23 years old, has demonstrated her successful rehabilitation, and wants to be a mentor and role model and make positive changes in the lives of youth who have lost their way. She has a goal of obtaining employment in a field that works with at-risk youth and juvenile offenders, and her juvenile offense history is a barrier to this goal. A pardon will allow these juvenile adjudications to be removed from the criminal history record that is available to the public.

WHEREAS, there was a strong showing of support at Ms. Ague's hearing before the Clemency and Pardons Board in the form of testimony recommending a pardon by Lieutenant Don Stevens of the Tumwater Police Department, Washington State Senator James Hargrove, Regents Professor Nicholas Lovrich of the Washington State University, and others that explained that Ms. Ague is a person with exceptional qualities that Washington needs to work with our at-risk youth.

WHEREAS, Ms. Ague's Petition for a pardon was supported by numerous letters of support, including letters from Justice Bobbe J. Bridge (Retired), the President of the Center for Children & Youth Justice, Washington State Representative Mary Lou Dickerson, Washington State Representative Susan Fagan, Professor Eric Trupin of the University of Washington School of Medicine, numerous juvenile justice and juvenile rehabilitation

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officials, and others. A victim of these crimes has also encouraged the grant of Ms. Ague’s request for a pardon.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the offenses, and the favorable recommendation of the Washington State Clemency and Pardons Boards. In light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Starcia Marie Ague, this full and unconditional pardon of her adjudications of guilt for two counts of Robbery in the First Degree and one count of Kidnapping in the First Degree so she may pursue permanent and gainful employment in her chosen field. This pardon supersedes the previous pardon for these offenses date February 17, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 24th day of March, A.D., two thousand and eleven.

SEAL

BY THE GOVERNOR

Sam Reed
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
JAMIE LEE CRAWFORD**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Jamie Lee Crawford was convicted of three misdemeanor charges in 2003 and 2004; Second Degree Rendering Assistance, Contempt of Court and Bail Jumping. She was convicted of one felony charge of Forgery in 2004. She has fully served her sentences of time in confinement and has satisfied all legal financial obligations. These convictions occurred when Ms. Crawford was 18 and 19 years old and addicted to methamphetamine.

WHEREAS, upon a federal felony arrest and conviction in 2005, Ms. Crawford used her days in confinement to reflect on her actions and her future and made a conscious choice to change her life for the better. She completed drug and alcohol treatment, volunteered with a non-profit organization in her community, and eventually joined with another person to form a nonprofit called “Generating Hope” to help the homeless in the Yakima Valley. She went on to obtain her General Educational Development (GED) certificate from Yakima Valley Community College and a nursing degree from Heritage University, demonstrating her dedication to positive personal change through education.

WHEREAS, Ms. Crawford has participated in efforts to increase awareness of the dangers of methamphetamine, addressing the Methamphetamine Action Team and joining the Washington Attorney General in *Operation: Allied Against Meth* school presentations, speaking to students of all ages throughout the state of Washington to share her experiences and to warn youth about the dangers of methamphetamine.

WHEREAS, Ms. Crawford is now 26 years old, the mother of two children, and has a goal of obtaining a license and employment in the health care field. Her criminal history is a barrier to this goal. Ms. Crawford also has the goal of obtaining a presidential pardon of her federal felony conviction.

WHEREAS, there was a strong showing of support at Ms. Crawford’s hearing before the Clemency and Pardons Board in the form of letters recommending clemency from her federal probation officer, the Washington Attorney General, the Nursing Program Director at Heritage University, a Sergeant of the Yakima Police Department, and the testimony of Ms. Crawford’s mother that her daughter has made an extraordinary transformation from a drug-addicted lifestyle to a wonderful person and mother.

WHEREAS, Ms. Crawford understands that she must disclose her pardoned convictions to potential employers, officials or other appropriate entities that legally may request such information;

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crimes, and the favorable recommendation of the Washington State Clemency and Pardons Board. In light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Jamie Lee Crawford, this full and unconditional pardon of her convictions for Second Degree Rendering Assistance, Contempt of Court, Bail Jumping, and Forgery so she may pursue permanent and gainful employment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 4th day of January, A.D., two thousand and eleven.

SEAL

BY THE GOVERNOR

Sam Reed
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
STEVEN TENG ANDERSON**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in October 1998, Steven Teng Anderson was a Private First Class in the United States Army when he was called home on emergency leave because his wife had been assaulted by a former friend. Mr. Anderson was ordered by his chain of command to refrain from contacting the former friend. Despite this order, on October 26, 1998, Mr. Anderson went to the former friend’s house and talked with him at the door. The former friend closed the door when the discussion became heated. Mr. Anderson broke down the door and a physical altercation between Mr. Anderson and the former friend ensued.

WHEREAS, Mr. Anderson pled guilty to Third Degree Assault and Second Degree Burglary in March 1999, and on February 22, 2001, the Pierce County Superior Court entered an order indicating that Mr. Anderson had complied with his sentencing requirements, satisfied the Court's judgement, and was discharged from any further court supervision.

WHEREAS, Mr. Anderson has honorably served our nation in two tours of duty in support of Operation Iraqi Freedom II; has exhibited bravery and earned a Bronze Star, an Army Commendation Medal, Army Achievement Medal (3rd award), Army Good Conduct Medal, National Defense Service Medal, Global War on Terrorism Expeditionary Medal, and other citations for service; and in 2005 was honorably discharged by the United States Army.

WHEREAS, over twelve years have elapsed since the offenses, during which time Mr. Anderson has remained a law abiding citizen and is fully rehabilitated.

WHEREAS, the Pierce County Prosecuting Attorney and the victim do not object to this full and unconditional pardon.

WHEREAS, Mr. Anderson has requested a full pardon so that he may pursue employment opportunities without barriers and may again lawfully own and carry firearms.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board and, in light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Steven Teng Anderson this **FULL AND UNCONDITIONAL** pardon of his 1999 convictions of Burglary in the Second Degree and Assault in the Third Degree so that he may lawfully own and possess firearms and pursue gainful employment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 29th day of November, A.D., two thousand and ten.

SEAL

BY THE GOVERNOR

Sam Reed
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
MANY CHOUT UCH**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, on May 17, 1994, Many Uch and three other men participated in the armed robbery of Yoeun Yon, her nephew and two nieces. Mr. Uch waited in a getaway car as three men entered Ms. Yon's home and held the victims at gun point, threatening them with death, while they took jewelry, cash, video

cassettes, wallets and other items. Upon exiting the premises, one of the robbers kicked Ms. Yon's nephew, Sothone, several times. Sothone ran after the robbers and was able to get a description of the getaway car. He later called the police.

WHEREAS, King County police responded to the call, saw a car matching the description of the getaway vehicle, stopped it and arrested all occupants. Mr. Uch was driving the car at the time it was stopped, and the vehicle contained the items taken in the robbery, along with weapons and bandanas.

WHEREAS, Mr. Uch pled guilty to Robbery in the First Degree with a Deadly Weapon and on November 5, 1994, was sentenced to 55 months incarceration with credit for 172 days served and ordered to pay Ms. Yon \$1,128.00 in restitution.

WHEREAS, Mr. Uch came to the United States at the age of eight in 1984 as a refugee from Cambodia with his parents who were fleeing the Khmer Rouge regime.

WHEREAS, Mr. Uch served forty months of his fifty-five month sentence and was released because of good behavior in 1997.

WHEREAS, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, (Pub.L. 104-208, Div. C, 110 Stat. 3009-546) expedited deportations for immigrants convicted of certain offenses. Mr. Uch was released from the Washington State Department of Corrections to Immigration and Customs Enforcement custody on August 18, 1997. Mr. Uch was held by the Immigration and Customs Enforcement until November 1999, when he was released because the United States did not have a repatriation agreement with Cambodia.

WHEREAS, in March of 2001, the United States signed a repatriation agreement with Cambodia. As a result, Mr. Uch is now required to check in with Immigration and Customs Enforcement every six months and is at risk of being deported at any time.

WHEREAS, after his release, Mr. Uch became extremely active within his community. In 2006, Mr. Uch and a friend purchased a pool hall with the goal of creating a space that would keep community youth off the streets. It has been transformed into a neighborhood gathering spot and cultural center. Mr. Uch is also the founder of Khmer In Action, a group founded to connect local youth and young adults to address economic and political injustice impacting their community. In addition, Mr. Uch served on the Board of Dreams Across America, an organization that tells the stories of immigrants to spread awareness of their plight. Mr. Uch's story and his endeavors on behalf of others has been documented in the Emmy-nominated documentary "Sentenced Home" by Seattle filmmaker Nicole Newnham.

WHEREAS, Mr. Uch has acknowledged that he made poor choices as a young man. Since that time he has become a business owner, married and is the father of a young daughter. Mr. Uch has been described as a loving and devoted father.

WHEREAS, Mr. Uch's petition has been supported by numerous community leaders, including but not limited to Washington State Representative Bob Hasegawa; Diane Narasaki, Executive Director of the Asian Counseling & Referral Service; and Beth Takekawa, Executive Director of the Wing Luke Asian Museum.

WHEREAS, the King County Prosecutor's Office took no position regarding Mr. Uch's petition.

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WHEREAS, Mr. Uch paid all his restitution and satisfied all other court requirements.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board. In light of the foregoing, I have determined that the best interests of justice will be served by this action.

NOW, THEREFORE, I, Christine O. Gregoire, by virtue of the power vested in me as Governor of the state of Washington, hereby grant to Many C. Uch, this full and unconditional pardon of his conviction of Robbery in the First Degree with a Deadly Weapon.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 26th day of June, A.D., two thousand and ten.

SEAL

BY THE GOVERNOR

Sam Reed
Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Brad Owen
President of the State Senate
Legislature of the State of Washington
Olympia Washington 98504

Dear President Owen:

We respectfully transmit for your consideration the following regular session bills which were partially vetoed by the Governor, together with the official veto message setting forth her objection to the section or items of the bill, as required by Article III, Section 12, of the Washington State Constitution:

- Substitute Senate Bill No. 5788,
- Engrossed Second Substitute Senate Bill No. 5073,
- Senate Bill No. 5083,
- Senate Bill No. 5045,
- Substitute Senate Bill No. 5691,
- Substitute Senate Bill No. 5700.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the State of Washington this 19th day of August 2011.

SAM REED
Secretary of State

MESSAGE FROM THE GOVERNOR

PARTIAL VETO ON SUBSTITUTE SENATE BILL NO. 5788

April 18, 2011

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 501, Substitute Senate Bill No. 5788 entitled:

“AN ACT Relating to regulating liquor by changing tied house and licensing provisions and making clarifying and technical changes to liquor laws.”

The emergency clause in Section 501 provides that three sections of Substitute Senate Bill 5788 take effect on July 1, 2011. All sections of the bill will be effective ninety days after the adjournment of the session at which it was enacted, which will be no later than July 24, 2011. There is no need to provide an earlier effective date for the sections listed in Section 501. Therefore, this emergency clause is unnecessary.

For these reasons, I have vetoed Section 501 of Substitute Senate Bill 5788.

With the exception of Section 501, Substitute Senate Bill 5788 is approved.

Respectfully submitted,
Christine Gregoire, Governor

PARTIAL VETO ON ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5073

April 29, 2011

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 101, 201, 407, 410, 411, 412, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 701, 702, 703, 704, 705, 801, 802, 803, 804, 805, 806, 807, 901, 902, 1104, 1201, 1202, 1203 and 1206, Engrossed Second Substitute Senate Bill No. 5073 entitled:

“AN ACT Relating to medical use of cannabis.”

In 1998, Washington voters made the compassionate choice to remove the fear of state criminal prosecution for patients who use medical marijuana for debilitating or terminal conditions. The voters also provided patients’ physicians and caregivers with defenses to state law prosecutions.

I fully support the purpose of Initiative 692, and in 2007, I signed legislation that expanded the ability of a patient to receive assistance from a designated provider in the medical use of marijuana, and added conditions and diseases for which medical marijuana could be used.

Today, I have signed sections of Engrossed Second Substitute Senate Bill 5073 that retain the provisions of Initiative 692 and provide additional state law protections. Qualifying patients or their designated providers may grow cannabis for the patient’s use or participate in a collective garden without fear of state law criminal prosecutions. Qualifying patients or their designated providers are also protected from certain state civil law consequences.

Our state legislation may remove state criminal and civil penalties for activities that assist persons suffering from debilitating or terminal conditions. While such activities may violate the federal Controlled Substances Act, states are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law. However, absent congressional action, state laws will not protect an individual from legal action by the federal government.

Qualifying patients and designated providers can evaluate the risk of federal prosecution and make choices for themselves on whether to use or assist another in using medical marijuana. The United States Department of Justice has made the wise decision not to use federal resources to prosecute seriously ill patients who use medical marijuana.

However, the sections in Part VI, Part VII, and Part VIII of Engrossed Second Substitute Senate Bill 5073 would direct employees of the state departments of Health and Agriculture to authorize and license commercial businesses that produce, process or dispense cannabis. These sections would open public employees to federal prosecution, and the United States Attorneys have made it clear that state law would not provide these individuals safe harbor from federal prosecution. No state employee should be required to violate federal criminal law in order to fulfill duties under state law. For these reasons, I have vetoed Sections 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 701, 702, 703, 704, 705, 801, 802, 803, 804, 805, 806 and 807 of Engrossed Second Substitute Senate Bill 5073.

In addition, there are a number of sections of Engrossed Second Substitute Senate Bill 5073 that are associated with or dependent upon these licensing sections. Section 201 sets forth definitions of terms. Section 412 adds protections for licensed producers, processors and dispensers. Section 901 requires the Department of Health to develop a secure registration system for licensed producers, processors and dispensers. Section 1104 would require a review of the necessity of the cannabis production and dispensing system if the federal government were to authorize the use of cannabis for medical purposes. Section 1201 applies to dispensaries in current operation in the interim before licensure, and Section 1202 exempts documents filed under Section 1201 from disclosure. Section 1203 requires the department of health to report certain information related to implementation of the vetoed sections. Because I have vetoed the licensing provisions, I have also vetoed Sections 201, 412, 901, 1104, 1201, 1202 and 1203 of Engrossed Second Substitute Senate Bill 5073.

Section 410 would require owners of housing to allow the use of medical cannabis on their property, putting them in potential conflict with federal law. For this reason, I have vetoed Section 410 of Engrossed Second Substitute Senate Bill 5073.

Section 407 would permit a nonresident to engage in the medical use of cannabis using documentation or authorization issued under other state or territorial laws. This section would not require these other state or territorial laws to meet the same standards for health care professional authorization as required by Washington law. For this reason, I have vetoed Section 407 of Engrossed Second Substitute Senate Bill 5073.

Section 411 would provide that a court may permit the medical use of cannabis by an offender, and exclude it as a ground for finding that the offender has violated the conditions or requirements of the sentence, deferred prosecution, stipulated

order of continuance, deferred disposition or dispositional order. The correction agency or department responsible for the person's supervision is in the best position to evaluate an individual's circumstances and medical use of cannabis. For this reason, I have vetoed Section 411 of Engrossed Second Substitute Senate Bill 5073.

I am approving Section 1002, which authorizes studies and medical guidelines on the appropriate administration and use of cannabis. Section 1206 would make Section 1002 effective January 1, 2013. I have vetoed Section 1206 to provide the discretion to begin efforts at an earlier date.

Section 1102 sets forth local governments' authority pertaining to the production, processing or dispensing of cannabis or cannabis products within their jurisdictions. The provisions in Section 1102 that local governments' zoning requirements cannot "preclude the possibility of siting licensed dispensers within the jurisdiction" are without meaning in light of the vetoes of sections providing for such licensed dispensers. It is with this understanding that I approve Section 1102.

I have been open, and remain open, to legislation to exempt qualifying patients and their designated providers from state criminal penalties when they join in nonprofit cooperative organizations to share responsibility for producing, processing and dispensing cannabis for medical use. Such exemption from state criminal penalties should be conditioned on compliance with local government location and health and safety specifications.

I am also open to legislation that establishes a secure and confidential registration system to provide arrest and seizure protections under state law to qualifying patients and those who assist them. Unfortunately, the provisions of Section 901 that would provide a registry for qualifying patients and designated providers beginning in January 2013 are intertwined with requirements for registration of licensed commercial producers, processors and dispensers of cannabis. Consequently, I have vetoed section 901 as noted above. Section 101 sets forth the purpose of the registry, and Section 902 is contingent on the registry. Without a registry, these sections are not meaningful. For this reason, I have vetoed Sections 101 and 902 of Engrossed Second Substitute Senate Bill 5073. I am not vetoing Sections 402 or 406, which establish affirmative defenses for a qualifying patient or designated provider who is not registered with the registry established in section 901. Because these sections govern those who have not registered, this section is meaningful even though section 901 has been vetoed.

With the exception of Sections 101, 201, 407, 410, 411, 412, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 701, 702, 703, 704, 705, 801, 802, 803, 804, 805, 806, 807, 901, 902, 1104, 1201, 1202, 1203 and 1206, Engrossed Second Substitute Senate Bill 5073 is approved.

Respectfully submitted,
Christine Gregoire, Governor

VETO ON SUBSTITUTE SENATE BILL NO. 5097

May 10, 2011

To the Honorable President and Members,
The Senate of the State of Washington

FIRST DAY, NOVEMBER 28, 2011

2011 2ND SPECIAL SESSION

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 5097 entitled:

“AN ACT Relating to juveniles with developmental disabilities who are in correctional detention centers, juvenile correction institutions or facilities, and jails.”

This bill would establish a work group to address issues relating to juveniles with developmental disabilities who are confined in juvenile detention or correctional facilities. The work group would be required to report to the Legislature by December 1, 2011, with recommendations concerning specific topics related to juveniles with developmental disabilities and the juvenile justice system. If recommended by the work group, a screening tool and related materials would be developed by September 1, 2012, to assist juvenile detention and correction institutions and facilities in identification of offenders with the most common types of developmental disabilities. The work group would expire on January 1, 2013.

I support the intent behind this bill, but not the process established. As I have stated many times, I believe that, in most cases, work groups that are charged with making recommendations on policy objectives should not be created in statute. However, development of the information and recommendations outlined in the bill would be useful to executive agencies and the Legislature. The Washington Developmental Disabilities Council has indicated it would participate in the work group and underwrite related costs with monies allocated from federal funds. I am confident the Washington Developmental Disabilities Council will be able to coordinate with the parties listed in the bill and accomplish the tasks outlined without a statute. Representatives of the Juvenile Rehabilitation Administration have indicated a willingness to participate in a work group established by the Washington Developmental Disabilities Council.

For this reason, I have vetoed Substitute Senate Bill 5097 in its entirety.

Respectfully submitted,
Christine Gregoire, Governor

PARTIAL VETO ON SENATE BILL NO. 5045

May 12, 2011

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have approved, except for Sections 34, 508, 520 and 590, Senate Bill No. 5045 entitled:

“AN ACT Relating to making technical corrections to gender-based terms.”

I am vetoing Section 34 because it incorrectly amends the phrase “his widow” to “his or her widow” in RCW 2.12.037. I am vetoing the following sections due to conflicting amendments in other bills already signed into law in the 2011 session: Sections 508, 520 and 590.

With the exception of Sections 34, 508, 520 and 590, Senate Bill 5045 is approved.

Respectfully submitted,
Christine Gregoire, Governor

PARTIAL VETO ON SENATE BILL NO. 5083

May 12, 2011

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 3, Senate Bill No. 5083 entitled:

“AN ACT Relating to clarifying that the basis for business and occupation tax for real estate firms is the commission amount received by each real estate firm involved in a transition.”

Senate Bill 5083 provides that when a real estate commission on a particular transaction is divided among real estate firms at the closing of the transaction, each firm must pay the tax only upon its respective share.

Section 3 would apply this act both prospectively and retroactively. The retroactive application of the bill would reward delinquent taxpayers while those who paid on time would not receive a refund under the prohibition on the gift of state funds in Article VIII, Section 5 of the Washington Constitution, as interpreted by the Washington Supreme Court.

For this reason, I have vetoed Section 3 of Senate Bill 5083.

With the exception of Section 3, Senate Bill 5083 is approved.

Respectfully submitted,
Christine Gregoire, Governor

PARTIAL VETO ON SUBSTITUTE SENATE BILL NO. 5691

May 12, 2011

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 402, 503, 804 and 805, Substitute Senate Bill No. 5691 entitled:

“AN ACT Relating to crime victims’ compensation.”

With this bill, the Legislature has taken important steps to ensure the sustainability of our Crime Victims’ Compensation program. Administrative efficiencies, coupled with painful but necessary benefit reductions, will allow the program to maintain its viability for the foreseeable future. However, only temporarily reducing these benefits will only temporarily strengthen the Crime Victims’ Compensation program. An increase in crime victims’

benefits is a discussion that should occur if and when state revenues improve, but not before that time.

For these reasons, I have vetoed Sections 402, 503, 804 and 805 of Substitute Senate Bill 5691.

With the exception of Sections 402, 503, 804 and 805, Substitute Senate Bill 5691 is approved.

Respectfully submitted,
Christine Gregoire, Governor

PARTIAL VETO ON SUBSTITUTE SENATE BILL NO. 5700

May 16, 2011

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 1, Substitute Senate Bill No. 5700 entitled:

“AN ACT Relating to certain toll facilities.”

I am vetoing Section 1, the intent section. As outlined in an informal Attorney General Opinion, Initiative 1053 does not constrain the manner in which the legislature approves imposition or increases in fees. Section 1 could be misconstrued to constrain the form of legislative approvals. Vetoing the intent section does not impede implementation of the bill.

For these reasons, I have vetoed Section 1 of Substitute Senate Bill 5700.

With the exception of Section 1, Substitute Senate Bill 5700 is approved.

Respectfully submitted,
Christine Gregoire, Governor

PARTIAL VETO ON ENGROSSED SECOND SUBSITTUTE
SENATE BILL NO. 5182

June 6, 2011

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 246, Engrossed Second Substitute Senate Bill No. 5182 entitled:

“AN ACT Relating to establishing the office of student financial assistance by eliminating the higher education coordinating board and transferring its functions to various entities.”

Section 246 transfers powers, duties and functions of the higher education coordinating board pertaining to student financial assistance to the new office of student financial assistance. Due to a technical bill drafting error, the effective date of the transfer of powers would occur prior to the creation of the new office of student financial assistance on July 1, 2012.

For this reason, I am vetoing Section 246. The new higher education steering committee will make recommendations concerning higher education governance prior to the 2012 legislative session. I expect the committee to consider the transfers of authority set forth in Section 246 and recommend any statutory changes necessary in the 2012 session to successfully achieve the appropriate transfers.

For these reasons, I have vetoed Section 246 of Engrossed Second Substitute Senate Bill 5182.

With the exception of Section 246, Engrossed Second Substitute Senate Bill 5182 is approved.

Respectfully submitted,
Christine Gregoire, Governor

PARTIAL VETO ON ENGROSSED SUBSITTUTE SENATE
BILL NO. 5749

June 6, 2011

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 1, Engrossed Substitute Senate Bill No. 5749 entitled:

“AN ACT Relating to the Washington advanced college tuition payment program.”

Section 1 would expand the membership of the Committee on Advanced Tuition Payment, limit private sector and citizen representatives on the committee to four year terms and require Senate confirmation of citizen and business representatives. The work of this committee involves oversight of complex financial issues. The bill does not stagger the terms of the committee members, and expands the number of term-limited members to four of the committee’s seven members. Unstaggered and limited terms for a majority of the committee members would leave the committee highly vulnerable to the loss of expertise accumulated by citizen and business representatives and inhibit the work of this committee.

For these reasons, I have vetoed Section 1 of Engrossed Substitute Senate Bill 5749.

With the exception of Section 1, Engrossed Substitute Senate Bill 5749 is approved.

Respectfully submitted,
Christine Gregoire, Governor

PARTIAL VETO ON SECOND ENGROSSED SUBSTITUTE
SENATE BILL NO. 5742

June 7, 2011

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

FIRST DAY, NOVEMBER 28, 2011

2011 2ND SPECIAL SESSION

I am returning herewith, without my approval as to Sections 11, 13, 14 and 15, Second Engrossed Substitute Senate Bill No. 5742 entitled:

Washington as making our state the best place to develop, build, and deploy innovative products with collaborative partnerships among academic institutions, industry and government. Among the means Section 1 outlines to carry out this mission is leveraging state investments in sector-focused, innovation-based economic development initiatives. Innovate Washington is designated as the lead entity to coordinate and approve state funding “for programs targeted at expanding the clean energy sector” while maintaining policy and regulatory functions at the state energy office housed at the Department of Commerce.

“AN ACT Relating to the Washington state ferry system.”

Section 11 requires the Washington State Department of Transportation (WSDOT) to provide quarterly on-time performance reports to the Legislature and to post the data on vessels, at terminals, and on the WSDOT’s website. I am vetoing this section because Washington State Ferries already reports on-time performance through the Government Management Accountability and Performance program (GMAP), and quarterly reports are posted on the GMAP website.

Given Innovate Washington’s mission, the definition of “lead entity” is Section 1(7) to mean “the organization that all other state agencies must coordinate with and receive approval from in order to award state funds in support of clean energy initiatives” is limited to approval of state funding awards for the primary purpose of economic development in the clean energy sector. Approval would not extend to state funding of initiatives not specifically targeted to grow the clean energy sector. Moreover, as stated in a colloquy on the Senate floor and consistent with the terminology clean energy “initiatives,” the approval required under Section 1(7) applies to new programs begun after the effective date of the act. The above understanding and interpretation of the bill is shared by the legislature as set forth in a letter to me from Senator Jim Kastama and Representative Deb Eddy dated May 25, 2011 encouraging me to give clarifying direction to the agencies involved. It is with this understanding that I approve Section 1.

Sections 13 and 14 contain conflicting requirements for actions that must be taken if Washington State Ferries does not meet at least eighty percent of performance measure targets. Section 13 requires that the governor appoint a management representative and Section 14 requires WSDOT to solicit requests for qualifications to privatize Washington State Ferries management. In addition, I do not believe either of these requirements is necessary or practicable.

Section 15 requires the Office of Financial Management’s (OFM) Attainment Report to include the performance measures in Sections 10 and 11. Once the ad hoc committee in Section 10 completes its work, a determination will be made regarding the high-level performance indicators that should be included in the Attainment Report. Accordingly, I am vetoing this section so the ad hoc committee’s recommendations can be considered.

I am vetoing Section 18 of Second Engrossed Senate Bill 5764 which requires the joint legislative audit and review committee to review performance of Innovate Washington and to make recommendations regarding the effectiveness of its programs by December 1, 2015. Innovate Washington is required to submit its first five year business plan to the legislature by December 1, 2012, which will identify its activities and programs, and set forth its operational plan and strategy for carrying out its mission. The timing of a study to determine the effectiveness of its programs is best determined based on the schedule in the business plan. When the business plan is completed, the joint legislative audit and review committee can determine the appropriate timing and content of a review based on experience without the need for a statutory provision.

For these reasons, I have vetoed Sections 11, 13, 14 and 15 of Second Engrossed Substitute Senate Bill 5742.

For this reason, I am vetoing Section 18 of Second Engrossed Senate Bill 5764.

With the exception of Sections 11, 13, 14 and 15, Second Engrossed Substitute Senate Bill 5742 is approved.

With the exception of Section 18, Second Engrossed Senate Bill 5764 is approved.

Respectfully submitted,
Christine Gregoire, Governor

Respectfully submitted,
Christine Gregoire, Governor

PARTIAL VETO ON SECOND ENGROSSED SENATE BILL
NO. 5764

PARTIAL VETO ENGROSSED SUBSTITUTE SENATE BILL
NO. 5919

June 7, 2011

June 7, 2011

To the Honorable President and Members,
The Senate of the State of Washington

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 18, Second Engrossed Senate Bill No. 5764 entitled:

I am returning herewith, without my approval as to Section 6, Engrossed Substitute Senate Bill No. 5919 entitled:

“AN ACT Relating to Innovate Washington.”

This bill creates Innovate Washington as the successor agency to the Washington Technology Center and the Spokane Intercollegiate Research and Technology Institute.

Section 1 provides that Innovate Washington will act as the primary agency focused on growing innovation-based sectors of our economy and will work with business to meet technology transfer needs. This section defines the mission of Innovate

“AN ACT Relating to education funding.”

Section 6 requires students in the graduating class of 2015, rather than 2013, to meet the state standard on the high school assessment in order to earn a certificate of academic achievement or certificate of individual achievement.

The House or Representatives delivered Engrossed Substitute House Bill 1410 containing a similar provision on May 25, 2011. That bill is among those I sign today.

For this reason, I have vetoed Section 6 of Engrossed Substitute Senate Bill 5919.

With the exception of Section 6, Engrossed Substitute Senate Bill 5919 is approved.

Respectfully submitted,
Christine Gregoire, Governor

PARTIAL VETO ON SECOND SUBSTITUTE SENATE BILL
NO. 5459

June 15, 2011

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 7 and 11, Second Substitute Senate Bill No. 5459 entitled:

“AN ACT Relating to services for people with developmental disabilities.”

This bill makes a number of changes that address the increased provision of services to persons with developmental disabilities in a community setting. It reduces admissions to residential habilitation centers, closes the Frances Haddon Morgan Center by December 31, 2011, provides for relocation and alternatives, and strengthens the array of support available in communities.

Section 7 of this bill mandates that the Department of Social and Health Services provide a series of processes and services that assist successful client transitions into the community. Most provisions in this section are current practices within the Department, including the following: person-centered approaches to discharge plans, family mentoring, offering residential habilitation center employees opportunities for employment in community settings, offering residents leaving a residential habilitation center the ability to return, and maximizing federal funding. Approval of Section 7 is not required to implement these approaches. However, Section 7(2)(f)(vii) could be interpreted to mandate that the Department provide new transportation services and other supports to assist family and friends in maintaining regular contact with residents who have moved out of a residential habilitation center. While I agree that clients should maintain contact with their family and friends, this subsection could create a broad, undefined requirement that is also unfunded. The type, frequency, and costs of transportation are not easily assessed. Because these unknown elements present serious concerns about unanticipated fiscal impacts, I am vetoing Section 7.

Section 11 mandates that the Department annually submit a report to the Legislature regarding persons who have transitioned from residential habilitation centers to the community. Much of the information required for this report is already gathered as a standard part of the client assessment and existing quality assurances processes. Aggregating and assembling client-specific information into a new report is a significant unfunded mandate.

Although I am vetoing this section, I am directing the Department to share the various reports related to the quality of client transitions and community-based services with the Legislature.

For these reasons, I have vetoed Sections 7 and 11 of Second Substitute Senate Bill 5459.

With the exception of Sections 7 and 11, Second Substitute Senate Bill 5459 is approved.

Respectfully submitted,
Christine Gregoire, Governor

PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE
BILL NO. 5921

June 15, 2011

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 3 and 26, Engrossed Substitute Senate Bill No. 5921 entitled:

“AN ACT Relating to social services.”

This omnibus bill addresses redesign and policy changes to Washington’s WorkFirst program, including provisions related to eligibility, accountability, fraud detection and enforcement. During the current economic downturn the state has experienced increased utilization of safety net programs. Now is the time to redouble our focus on service delivery that meets the intended outcomes and ensures fiscal accountability for the use of limited public funds.

Sections 3 of the bill requires the Department of Social and Health Services to engage in competitive performance-based contracting for all WorkFirst activities. I strongly support government efficiency and improved performance in providing critical services to Washington residents. However, Section 3 of the bill is not needed and could create confusion about the applicable law that would govern such contracting. The Legislature enacted a law in 1997, codified as RCW 74.08A.290, that authorized the Department of Social and Health Services to engage in competitive contracting using performance-based contracts to provide all work activities. The Department of Social and Health Services would be expressly mandated to exercise its authority granted in 1997 under RCW 74.08A.290 by Second Engrossed Substitute House Bill 1087, a bill among those I sign today. I will direct the Department of Social and Health Services and the WorkFirst Subcabinet to act on the Legislature’s direction in Second Engrossed Substitute House Bill 1087 to competitively contract all work activities under the 1997 law.

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Section 26 of the bill establishes a Fraud Ombudsman in the State Auditor’s Office to audit and provide oversight of the Office of Fraud and Accountability at the Department of Social and Health Services. Transparency of public funds is critically important. I remain committed to ensuring appropriate use of public funds when providing critical services for the State’s most vulnerable residents.

However, Section 26 is duplicative of the State Auditor’s Office existing authority to audit the work of the Office of Fraud and Accountability. The Department of Social and Health Services will provide the State Auditor’s Office with access to any relevant records in its possession to the fullest extent practicable upon the request of the State Auditor’s Office.

For these reasons, I have vetoed Sections 3 and 26 of Engrossed Substitute Senate Bill 5921.

With the exception of Sections 3 and 26, Engrossed Substitute Senate Bill 5921 is approved.

Respectfully submitted,
Christine Gregoire, Governor

PARTIAL VETO ON ENGROSSED SUBSITUTE SENATE
BILL NO. 5931

June 15, 2011

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 815 and 816 and Sections 901 through 909, Engrossed Substitute Senate Bill No. 5931 entitled:

“AN ACT Relating to reorganizing and streamlining central service functions, powers, and duties of state government.”

Sections 815 and 816 require the State Auditor to conduct a performance audit of the consolidated state data center during the same period that the Department of Information Services and Office of Financial Management will be fully engaged in the transformative activities associated with implementation of this bill and the consolidated data center business plan. Such activities will include designing and installing the consolidated state data center infrastructure; moving staff to the new office building; structuring the new Department of Enterprise Services, Consolidated Technology Services, and Office of the Chief Information Officer; and conducting a statewide information technology total cost of ownership study. A performance audit during this timeframe will redirect key leadership and staff capacity and attention from implementing these complex and resource intensive initiatives to reviewing the rationale for the current strategies underway.

Sections 901 through 909 transfer the Education Research Data Center (ERDC) from the Office of Financial Management’s Forecasting Division to the Legislative Evaluation and Accountability Program Committee (LEAP). The ERDC and LEAP are collaboratively involved in building a robust and informative research capability that informs decision-making for

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both the executive and legislative branch. This transfer would not accomplish the goals that are shared among the legislative and executive branches and may actually slow the federally funded initiatives underway. The ERDC will continue to serve our shared commitment to transparency, education data quality, and useful information for decision makers while remaining at the Office of Financial Management.

For these reasons, I have vetoed Sections 815 and 816 and Sections 901 through 909 of Engrossed Substitute Senate Bill 5931.

With the exception of Sections 815 and 816 and Sections 901 through 909, Engrossed Substitute Senate Bill 5931 is approved.

Respectfully submitted,
Christine Gregoire, Governor

MOTION

On motion of Senator Eide, the vetoes and partial vetoes messages were held at the desk.

PERSONAL PRIVILEGE

Senator Hewitt: “Thank you Madam President. I want to welcome everyone back especially the two new members that we have on the floor with us today. We have a lot of serious business ahead of us this year, we’re back here in special session, we have some very tough choices to make. We’d like you to know that last year the Lieutenant Governor on the last day of session, made a statement, he said, ‘He’s been here for thirty-six years and he’d never seen cooperation like he saw this year this spring.’ We’re hopeful that we can continue that, work together, I think we all have the end result in mind. It’s a matter of how we go down that path, I know we’re going to have a little more difficulty this year in performing some of our tasks but I hope the Senate can stay together like we did this spring, work together to resolve the problems of the people of the state of Washington and make this a much better place to live. Thank you Madam President.”

PERSONAL PRIVILEGE

Senator Parlette: “Thank you. Well, I just wanted to thank all of you colleagues, staff and security and thank you for all the notes I received. When I left the session this year, earlier in the spring, I knew I was having surgery on September 6. That was scheduled. What wasn’t scheduled was surgery also on October 12 and October 19 and I have to tell you, I am an elected official who, you might say a politician, who has survived having her throat slit twice. How many other people can say that? I just wanted you to know that I acknowledged first the cards and the thank yous and then it became overwhelming. So, please accept that from the bottom of my heart, I thank all of you. I still have a few things to do which maybe will take me away for a few days because I will be radioactive but other than that I think I’m one hundred percent in good health and I thank you for all your thoughts, and your prayers cards and your calls. Thank you very much.”

MOTION

At 12:31 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, November 29, 2011.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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