

FIFTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 10, 2009

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Haugen and Parlette.

The Sergeant at Arms Color Guard consisting of Pages Matthew Evan Stubbs and Justin Michael Wargo, presented the Colors. Pastor Erik Wilson Weiberg of Ballard First Lutheran Church of Seattle offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

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

MESSAGE FROM THE HOUSE

March 9, 2009

MR. PRESIDENT:

The House has passed the following bills:  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1007,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1021,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1081,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1123,  
 HOUSE BILL NO. 1184,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1349,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1373,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1481,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1514,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1669,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1889,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1938,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1961,  
 ENGROSSED HOUSE BILL NO. 1986,  
 SUBSTITUTE HOUSE BILL NO. 2003,  
 SUBSTITUTE HOUSE BILL NO. 2147,  
 SUBSTITUTE HOUSE BILL NO. 2198,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 2009

MR. PRESIDENT:

The House has passed the following bills:  
 SUBSTITUTE HOUSE BILL NO. 1201,  
 SUBSTITUTE HOUSE BILL NO. 1300,  
 SUBSTITUTE HOUSE BILL NO. 1321,  
 SUBSTITUTE HOUSE BILL NO. 1329,  
 SUBSTITUTE HOUSE BILL NO. 1347,  
 SUBSTITUTE HOUSE BILL NO. 1413,  
 SUBSTITUTE HOUSE BILL NO. 1572,  
 HOUSE BILL NO. 1579,

SUBSTITUTE HOUSE BILL NO. 1621,  
 SUBSTITUTE HOUSE BILL NO. 2010,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2106,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2113,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2130,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2167,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 2009

MR. PRESIDENT:

The House has passed the following bills:  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1078,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131,  
 ENGROSSED HOUSE BILL NO. 1530,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1703,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 2009

MR. PRESIDENT:

The House has passed the following bills:  
 HOUSE BILL NO. 1395,  
 SUBSTITUTE HOUSE BILL NO. 2095,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2114,  
 HOUSE BILL NO. 2164,  
 SUBSTITUTE HOUSE BILL NO. 2223,  
 SUBSTITUTE HOUSE BILL NO. 2275,  
 and the same are 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

SHB 1038 by House Committee on General Government Appropriations (originally sponsored by Representatives Orcutt, Blake, Kretz, Van De Wege, Warnick, McCune, Pearson, Kristiansen and Kessler)

AN ACT Relating to forest products addressed by chapter 76.48 RCW; amending RCW 76.48.010, 76.48.020, 76.48.060, 76.48.080, 76.48.050, 76.48.062, 76.48.094, 76.48.085, 76.48.098, 76.48.030, 76.48.120, 76.48.130, 76.48.140, 76.48.140, 76.48.040, 76.48.110, 76.48.100, 76.48.210, 76.48.150, 76.48.200, 76.48.902, and 76.48.910; adding new sections to chapter 76.48 RCW; creating a new section; recodifying RCW 76.48.010, 76.48.020, 76.48.060, 76.48.080, 76.48.050, 76.48.062, 76.48.094, 76.48.085, 76.48.098, 76.48.030, 76.48.120, 76.48.130, 76.48.140, 76.48.040, 76.48.110, 76.48.100, 76.48.210, 76.48.150, 76.48.200, 76.48.900, 76.48.902, and 76.48.910; decodifying RCW 76.48.901; and repealing RCW 76.48.070, 76.48.086, 76.48.096, and 76.48.075.

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Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1062 by House Committee on Finance (originally sponsored by Representatives Takko, Warnick, Blake, Orcutt, Ericks and Morris)

AN ACT Relating to the expiration date, goals, and legislative reporting provisions of the electrolytic processing business tax exemption; amending RCW 82.16.0421 and 82.32.560; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 1357 by House Committee on Health Care & Wellness (originally sponsored by Representatives Pettigrew, Dickerson, Orwall, Walsh, Moeller, Kenney and Wood)

AN ACT Relating to protecting consumers by assuring persons using the title of social worker have graduated with a degree in social work from an educational program accredited by the council on social work education; adding a new section to chapter 28B.85 RCW; creating a new section; and providing an effective date.

Referred to Committee on Human Services & Corrections.

ESHB 1362 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Rodne, Sullivan, Williams, Orwall, O'Brien, Kirby, Chase and Conway)

AN ACT Relating to conveyances used in prostitution-related offenses; and amending RCW 9A.88.140.

Referred to Committee on Judiciary.

EHB 1385 by Representatives Haler, Van De Wege, Kessler, Pearson, Takko, Klippert, Blake, Morrell, Dammeier, Warnick, Smith and Johnson

AN ACT Relating to sexual misconduct by school employees; and amending RCW 9A.44.093 and 9A.44.096.

Referred to Committee on Judiciary.

SHB 1418 by House Committee on Education (originally sponsored by Representatives Kagi, Priest, Sullivan, Walsh, Pettigrew, Roberts, Dickerson, Quall, Seaquist, Sells, Appleton, Hunt, Haler, Pedersen, Orwall, Ormsby, Hasegawa, Conway, Kenney, Maxwell, Santos, Probst, Driscoll, Goodman and Nelson)

AN ACT Relating to establishing a statewide dropout reengagement system; amending RCW 28A.310.180, 28A.305.190, 28B.50.030, 28B.50.535, and 28B.15.067; adding new sections to chapter 28A.175 RCW; and creating a new section.

Referred to Committee on Ways & Means.

2SHB 1429 by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives O'Brien, Bailey, Sells, Hinkle, Cody, Kessler, Hudgins, Ericks, Moeller, Morrell and Ormsby)

AN ACT Relating to respite care for primary care providers of persons with developmental disabilities; and amending RCW 71A.12.161.

Referred to Committee on Health & Long-Term Care.

ESHB 1445 by House Committee on Ways & Means (originally sponsored by Representatives Simpson, O'Brien, Van De Wege, Goodman, Sullivan, Hunt, Ormsby, Conway and Santos)

AN ACT Relating to domestic partners under the Washington state patrol retirement system; amending RCW 43.43.120, 43.43.260, 43.43.270, 43.43.271, 43.43.278, 43.43.280, and 43.43.295; and reenacting and amending RCW 43.43.285.

Referred to Committee on Transportation.

EHB 1460 by Representatives Morrell, Anderson, Bailey and Cody

AN ACT Relating to critical access hospitals not subject to certificate of need reviews; and amending RCW 70.38.105.

Referred to Committee on Health & Long-Term Care.

HB 1463 by Representatives Seaquist, Angel and Finn

AN ACT Relating to the deferral of sales and use taxes due on the state route number 16 corridor improvements project; and amending RCW 47.46.060.

Referred to Committee on Ways & Means.

HB 1491 by Representatives Pedersen, Rodne, Rolfes, Seaquist, Kenney, Upthegrove, Cody, Chase, Nelson, Moeller, Carlyle, Hunter, Roberts, Morrell, White, Wood, Dickerson and Goodman

AN ACT Relating to vehicles overtaking and passing pedestrians or bicycles; and amending RCW 46.61.100 and 46.61.110.

Referred to Committee on Transportation.

EHB 1616 by Representative Simpson

AN ACT Relating to the state pension benefits of certain domestic partners; and amending RCW 41.05.080, 41.05.195, 41.26.030, 41.26.048, 41.26.460, 41.26.470, 41.26.510, and 41.26.520.

Referred to Committee on Ways & Means.

E2SHB 1618 by House Committee on General Government Appropriations (originally sponsored by Representatives White, Nelson, Hudgins, Kenney, Sullivan, Carlyle, Hasegawa, Santos, Green, Miloscia, Orwall, Pedersen, Cody, Dickerson, Lias, Kelley, Pettigrew, Goodman, Simpson, Morrell and Ormsby)

AN ACT Relating to community and surplus schools; amending RCW 43.63A.135, 28A.525.050, and 28A.335.130; adding new sections to chapter 43.63A RCW; and creating new sections.

Referred to Committee on Ways & Means.

SHB 1683 by House Committee on Judiciary (originally sponsored by Representatives Kirby, Goodman, Nelson, Campbell, Williams, Orwall, Green, Ormsby, Moeller and Pedersen)

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AN ACT Relating to modifying provisions relating to consumer protection act violations; amending RCW 19.86.090; and adding a new section to chapter 19.86 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SHB 1733 by House Committee on Finance (originally sponsored by Representatives Goodman, Blake, Springer, Eddy, Dunshee, Rolfes and Kessler)

AN ACT Relating to the property tax current use valuation programs; and amending RCW 84.34.020, 84.34.108, and 84.33.140.

Referred to Committee on Ways & Means.

SHB 1761 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Hasegawa, Appleton and Hurst)

AN ACT Relating to the ethical use of legislative web sites; amending RCW 42.52.180; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Government Operations & Elections.

SHB 1769 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Orwall, White, Dammeier, Clibborn, Nelson, Liias, Carlyle, Eddy, Upthegrove, Green, Chase, Seaquist, Miloscia, Kagi, Roberts, Kenney and Morrell)

AN ACT Relating to orders for housing assistance in dependency matters; amending RCW 13.34.030 and 13.34.065; and reenacting and amending RCW 13.34.130 and 13.34.138.

Referred to Committee on Human Services & Corrections.

EHB 1815 by Representatives Sullivan, Orcutt, Hinkle, Simpson, Blake, Kristiansen, Haigh, Ericks, Van De Wege, Hope, Newhouse, Roach, Armstrong, Morrell, Takko, Campbell, McCune and Rolfes

AN ACT Relating to current use valuation under the property tax open space program; and amending RCW 84.34.020 and 84.34.108.

Referred to Committee on Ways & Means.

HB 1830 by Representative Santos

AN ACT Relating to business definitions for public contracting; and amending RCW 39.04.010, 39.04.155, and 39.29.006.

Referred to Committee on Government Operations & Elections.

SHB 1838 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Orcutt and Blake)

AN ACT Relating to the creation of a raffle-only limited recreational rainbow trout fishery in Spirit Lake; amending RCW 77.32.050, 77.08.010, 9.46.400, and 9.46.010; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1845 by House Committee on Judiciary (originally sponsored by Representatives Rodne and Pedersen)

AN ACT Relating to medical support obligations; amending RCW 26.09.105, 26.18.170, 26.23.050, 26.23.110, 74.20A.300, 74.20A.055, 74.20A.056, and 74.20A.059; and providing an effective date.

Referred to Committee on Human Services & Corrections.

HB 1878 by Representatives Jacks, Driscoll, Maxwell, Wallace, Quall, Green, Darneille, Moeller and Kenney

AN ACT Relating to transfers of accumulated leave of employees of the state school for the blind and the school for the deaf; and amending RCW 28A.310.240 and 28A.400.300.

Referred to Committee on Ways & Means.

2SHB 1899 by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Warnick and Hinkle)

AN ACT Relating to physicians holding a retired active license; amending RCW 18.71.080, 18.130.250, and 43.70.110; adding a new section to chapter 18.71 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 1900 by House Committee on Judiciary (originally sponsored by Representatives Kelley and Hurst)

AN ACT Relating to the disclosure of vehicle owner information; and reenacting and amending RCW 46.12.380.

Referred to Committee on Judiciary.

HB 1912 by Representatives Armstrong, Hunt and Moeller

AN ACT Relating to maintenance and construction activities in support of facilities used to house sexually violent predators; amending RCW 71.09.2501, 43.21C.270, 90.58.390, and 77.55.071; providing expiration dates; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

ESHB 1926 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Ericksen, Appleton, Pettigrew, Kenney, Moeller and Ormsby)

AN ACT Relating to exempting from certificate of need requirements hospice agencies that serve the unique cultural or religious needs of religious groups or ethnic minorities; and amending RCW 70.38.111.

Referred to Committee on Health & Long-Term Care.

2SHB 1946 by House Committee on Education Appropriations (originally sponsored by Representatives Carlyle, Anderson, Wallace, Angel, White, Schmick, Hasegawa, Goodman, Sullivan, Haigh, Hudgins, Kenney and Maxwell)

AN ACT Relating to higher education online technology; adding a new section to chapter 28B.10 RCW; and creating new sections.

Referred to Committee on Ways & Means.

2SHB 1951 by House Committee on General Government Appropriations (originally sponsored by Representatives Finn, Short, Takko, Walsh, Blake, Johnson, McCune, Pearson, Williams and Van De Wege)

AN ACT Relating to creating a program for public-private partnerships for the operation and management of salmonid hatcheries now closed or scheduled for closure by the department of fish and wildlife during the 2009-2011 biennium; adding a new section to chapter 77.95 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1952 by House Committee on Capital Budget (originally sponsored by Representatives Kenney, Ormsby, Blake, Flannigan, Maxwell, Pettigrew, Springer, Hudgins, Liias, Morrell, White, Conway, Hasegawa, Chase, Sullivan, Dickerson, Wood and Santos)

AN ACT Relating to the building communities fund program competitive process; and amending RCW 43.63A.125.

Referred to Committee on Economic Development, Trade & Innovation.

SHB 1953 by House Committee on Ways & Means (originally sponsored by Representatives Conway, Bailey, Seaquist, Hurst, Van De Wege, Green, Simpson, Crouse, Orcutt, Ormsby, Williams and Hinkle)

AN ACT Relating to allowing department of fish and wildlife enforcement officers to transfer service credit; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Ways & Means.

SHB 1957 by House Committee on Capital Budget (originally sponsored by Representatives Jacks, Warnick and Van De Wege)

AN ACT Relating to qualified applicants and procedures within the Washington wildlife and recreation program; and amending RCW 79A.15.010, 79A.15.030, 79A.15.060, 79A.15.120, 79A.15.130, and 84.34.250.

Referred to Committee on Natural Resources, Ocean & Recreation.

ESHB 1959 by House Committee on Local Government & Housing (originally sponsored by Representatives Simpson, Rodne, Williams and Armstrong)

AN ACT Relating to land use and transportation planning for marine container ports; reenacting and amending RCW 47.06.140; adding a new section to chapter 36.70A RCW; and creating new sections.

Referred to Committee on Government Operations & Elections.

SHB 1972 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Dunshee, Blake and Williams)

AN ACT Relating to accessing land for outdoor recreation; amending RCW 77.32.380 and 77.12.880; creating a new section; and repealing RCW 77.12.065.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1981 by House Committee on Finance (originally sponsored by Representatives Driscoll, Parker, Wood and Ormsby)

AN ACT Relating to modifying the rural county tax credit provided in chapter 82.62 RCW; amending RCW 82.62.010, 82.62.045, and 82.62.050; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 2071 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Green, Kagi, Miloscia, Pettigrew, Nelson, Haler, Priest, Goodman, Conway, Ormsby, Santos and Kenney)

AN ACT Relating to increasing the earning potential of parents of needy families; amending RCW 74.08A.260; adding a new section to chapter 74.08A RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

ESHB 2072 by House Committee on Transportation (originally sponsored by Representatives Wallace, Clibborn and Wood)

AN ACT Relating to advancing effective transportation for persons with special transportation needs; amending RCW 47.06B.010, 47.06B.020, 47.06B.030, 47.06B.050, 36.73.020, 47.80.023, 47.06B.900, and 47.06B.901; adding new sections to chapter 47.06B RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 35.58 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 47.01 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

ESHB 2125 by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Santos and Kenney)

AN ACT Relating to community preservation and development authorities; amending RCW 43.167.010, 43.167.020, 43.167.030, and 43.167.050; adding new sections to chapter 43.167 RCW; and creating a new section.

Referred to Committee on Economic Development, Trade & Innovation.

ESHB 2128 by House Committee on Health Care & Wellness (originally sponsored by Representatives Seaquist and Simpson)

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AN ACT Relating to meeting the goal of all children in Washington state having health care coverage by 2010; amending RCW 74.09.470 and 74.09.480; and creating new sections.

43.325.030, 43.325.040, and 43.325.070; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

Referred to Committee on Ways & Means.

SHB 2157 by House Committee on General Government Appropriations (originally sponsored by Representative Springer)

MOTION

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

AN ACT Relating to the consolidation of certain salmon recovery activities and programs within the recreation and conservation office; amending RCW 77.85.030, 77.85.020, 77.85.250, 77.85.140, and 77.85.005; adding new sections to chapter 79A.25 RCW; creating new sections; recodifying RCW 77.85.020, 77.85.030, and 77.85.250; repealing RCW 77.85.100; and providing expiration dates.

MOTION

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

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

Senator Fraser moved adoption of the following resolution:

SHB 2160 by House Committee on Health Care & Wellness (originally sponsored by Representatives Driscoll, Hinkle, Cody, Bailey, Kelley, Wood and Morrell)

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AN ACT Relating to health carrier payment of wellness incentives; and amending RCW 48.30.140 and 48.30.150.

By Senators Fraser, Parlette, Fairley, Brandland, Shin, Prentice, Marr, King, Berkey, Pflug, Eide, Carrell, Murray, Regala, Franklin, Haugen, Stevens, Roach, and Oemig

Referred to Committee on Health & Long-Term Care.

WHEREAS, In 1910, Washington became the fifth state to enact a state constitutional amendment granting the right to vote to women, and the first state to do so in the 20th century; and

HB 2165 by Representatives Van De Wege, Haler, Blake, Kretz, McCoy, Hinkle, Ormsby, Nelson, Eddy, Hasegawa, Takko, Chase, Kenney, Warnick and Morrell

AN ACT Relating to authorizing the department of natural resources to conduct a forest biomass energy demonstration project; amending RCW 76.06.150 and 43.30.020; adding new sections to chapter 43.30 RCW; and creating a new section.

WHEREAS, Washington's enactment revitalized the national women's suffrage movement, culminating in approval of the nineteenth amendment to the United States Constitution in 1920 to grant this right to women nationwide; and

Referred to Committee on Natural Resources, Ocean & Recreation.

WHEREAS, To commemorate the centennial of the 1909 legislature adopting a proposed constitutional amendment, chapter 18 (House Bill 59), Laws of 1909, to grant the right to vote to Washington women in all elections, which was placed on the 1910 general election ballot and approved in November of 1910, reprinted below are key provisions from that measure:

SHB 2196 by House Committee on Ways & Means (originally sponsored by Representatives Ericks and Ormsby)

AN ACT Relating to including service credit transferred from the law enforcement officers' and firefighters' retirement system plan I in the determination of eligibility for military service credit; and amending RCW 41.26.195.

AN ACT to amend article six (VI) of the Constitution of the State of Washington relating to the qualification of voters within the state.

Referred to Committee on Ways & Means.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

SHB 2214 by House Committee on Transportation (originally sponsored by Representative Simpson)

AN ACT Relating to the reasonable costs of financing consolidated rental car facilities and common use transportation equipment and facilities; amending RCW 14.08.120; and declaring an emergency.

SECTION 1. That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1910, there shall be submitted to the qualified electors of this state for their adoption and approval an amendment to article six (VI) of the Constitution of the State of Washington, and it is hereby proposed that said article six (VI) be amended, by striking from said article six (VI) all of sections one (1) and (2) and inserting in lieu thereof the following, to be known as section one (1): Section 1. All persons of the age of twenty-one years or over . . . shall be entitled to vote at all elections . . . There shall be no denial of the elective franchise at any election on account of sex. . .

Referred to Committee on Transportation.

SECTION 3. There shall be printed on all ballots provided for the said election the words: "For the proposed amendment of article six (VI) of the Constitution relating to the qualifications of voters within this state"; "Against the proposed amendment to article six (VI) of the Constitution, relating to the qualifications of voters within this state." . . .

ESHB 2289 by House Committee on Capital Budget (originally sponsored by Representative McCoy)

AN ACT Relating to expanding the energy freedom program; amending RCW 43.325.010, 43.325.020,

NOW, THEREFORE, BE IT RESOLVED, That the 2009 Washington State Senate express its appreciation to the male members of the 1909 Legislature, the male voters of 1910, and the thousands of advocates, both women and men, for this major

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advance in expanding the implementation of the great principles of democracy; and

BE IT FURTHER RESOLVED, That the 2009 Washington State Senate express its appreciation to the Washington Women's History Consortium and the Washington State Historical Society for its leadership in commemorating this historic advancement, including preparation of traveling displays and encouraging local commemorative activities throughout the state; and

BE IT FURTHER RESOLVED, That the 2009 Washington State Senate further encourage citizens to organize and participate in educational and celebratory activities throughout the state during 2009 and 2010 to commemorate this historic advancement, thereby encouraging voter registration and involvement in democratic processes.

Senators Fraser, Regala, Kastama and King spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8628.

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

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Shanna Stevenson, Coordinator, Washington Women's History Consortium; Sue Lean, Vice Chair Washington Women's History Consortium Advisory Board; Dorothy Young Sale, Board Member, Washington Women's History Consortium Advisory Board; Dave Nicandri, Director, Washington State Historical Society who were seated in the gallery.

#### MOTION

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

#### MOTION

On motion of Senator Brandland, Senator Parlette was excused.

#### SECOND READING

SENATE BILL NO. 5005, by Senators Jacobsen and Swecker

Creating a program to certify and market certain cattle from Washington as either "natural beef cattle" or "natural grass-fed beef cattle." Revised for 1st Substitute: Regarding naturally raised beef cattle.

#### MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 5005 was substituted for Senate Bill No. 5005 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 5005 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Kauffman, Senator Haugen was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5005.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5005 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Holmquist

Excused: Senators Haugen and Parlette

SUBSTITUTE SENATE BILL NO. 5005, 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. 5562, by Senators Morton, Hargrove, Jacobsen, Sheldon, Holmquist, Schoesler, Shin and Stevens

Concerning forestry operations.

The measure was read the second time.

#### MOTION

On motion of Senator Morton, the rules were suspended, Senate Bill No. 5562 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5562.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5562 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Haugen and Parlette

SENATE BILL NO. 5562, 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. 5828, by Senators Jarrett, McAuliffe, Tom and Hobbs

Authorizing certain school districts and educational service districts to designate a district treasurer.

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## MOTION

On motion of Senator Jarrett, Substitute Senate Bill No. 5828 was substituted for Senate Bill No. 5828 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator King moved that the following amendment by Senators King and Jarrett be adopted.

On page 7, line 22, after "RCW 28A.320.320." insert the following:

"(6) This section applies only to boards of directors of educational service districts that provide services to school districts located in a county where the county treasurer is not elected by the voters."

Senator King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators King and Jarrett on page 7, line 22 to Substitute Senate Bill No. 5828.

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

## MOTION

On motion of Senator Jarrett, the rules were suspended, Engrossed Substitute Senate Bill No. 5828 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jarrett and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5828.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5828 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Roach, Rockefeller, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Fraser, Regala, Schoesler and Sheldon

Excused: Senators Haugen and Parlette

ENGROSSED SUBSTITUTE SENATE BILL NO. 5828, 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. 5473, by Senators Kastama, Kilmer, Pridemore, McAuliffe and Sheldon

Expediting completion of projects of statewide significance.

## MOTION

On motion of Senator Kastama, Substitute Senate Bill No. 5473 was substituted for Senate Bill No. 5473 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Kastama moved that the following amendment by Senators Kastama and Zarelli be adopted.

On page 4, line 5, after "office of" strike "permit" and insert "~~((permit))~~ regulatory"

On page 4, line 18, after "office of" strike "permit" and insert "~~((permit))~~ regulatory"

On page 4, line 35, after "significance." insert "The development project proponents may provide the funding necessary for the jurisdiction to hire the professional staff that will be required to so expedite."

Senator Kastama spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kastama and Zarelli on page 4, line 5 to Substitute Senate Bill No. 5473.

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

## MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 5473 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5473.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5473 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Haugen and Parlette

ENGROSSED SUBSTITUTE SENATE BILL NO. 5473, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 9:49 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:29 a.m. by President Owen.

## MOTION

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

## MESSAGE FROM THE HOUSE

March 9, 2009

MR. PRESIDENT:

The House has passed the following bills:

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ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1701,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1747,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1939,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2021,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2227,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

March 9, 2009

MR. PRESIDENT:

The House has passed the following bills:  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709,  
 ENGROSSED HOUSE BILL NO. 2040,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2278,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

**EDITOR'S NOTE:** Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

## MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 12, 2009."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through March 12, 2009 by voice vote.

## MOTION

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

## SECOND READING

SENATE BILL NO. 5649, by Senators Rockefeller, Hobbs, Pridemore, Kohl-Welles, Keiser, Fraser, Sheldon, Shin, McAuliffe, Kline and Oemig

Regarding energy efficiency in buildings.

## MOTION

On motion of Senator Rockefeller, Second Substitute Senate Bill No. 5649 was substituted for Senate Bill No. 5649 and the second substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Rockefeller moved that the following amendment by Senators Rockefeller and Fraser be adopted.

On page 16, after line 32, strike all of section 302, and insert the following:

NEW SECTION. **Sec. 302.** (1) The department of community, trade, and economic development and the Washington State University energy extension program shall review:

(a) Low-income weatherization programs, as authorized under chapter 70.164 RCW, weatherization, weatherization services, and energy efficiency programs administered by the state;

(b) The low-income energy assistance program funded by the federal government pursuant to the federal low-income energy assistance act (Title 42 U.S.C. 8623 et seq.);

(c) Weatherization and energy efficiency programs funded by private entities, utilities, the federal government, and other entities; and

(d) Administrative and overhead costs incurred by weatherization and energy efficiency programs.

(2) By July 1, 2010, the department of community, trade, and economic development and the Washington State University energy extension program shall provide to the governor and the appropriate committees of the legislature a report with findings from the review required in subsection (1) of this section and recommendations for the coordination of the state's energy efficiency and weatherization programs, including the low-income energy assistance and low-income weatherization programs under chapter 70.164 RCW and the weatherization program created in section 102 of this act.

(a) The recommendations must include:

(i) Identification of best practices and opportunities to consolidate and create efficiencies and economies of scale;

(ii) Identification of legislative action necessary to maximize the state's receipt of funding for weatherization and energy efficiency purposes; and

(iii) Identification of methods to minimize costs through coordination and potential consolidation of programs.

(b) If the report finds that administrative efficiencies may best be achieved by the transition of functions from one state agency or entity to another, then the recommendations must also include:

(i) Identification of statutory changes necessary to ensure an expeditious and efficient transition with the least programmatic disruption; and

(ii) A timeline for the process that includes methods to phase and synchronize the transition of administrative procedures, records, files, and staff in accordance with the goals and intent of this chapter.

Senator Rockefeller spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rockefeller and Fraser on page 16, after line 32 to Second Substitute Senate Bill No. 5649.

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

## MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5649 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

Senator Schoesler spoke against passage of the bill.

The President declared the question before the Senate to be



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the final passage of Engrossed Second Substitute Senate Bill No. 5649.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5649 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Schoesler, Stevens and Zarelli

Excused: Senator Parlette

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5649, 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. 5138, by Senators Rockefeller, Ranker, Jacobsen, Shin, Kohl-Welles, Kline and Pridemore

Creating an integrated climate change response strategy.

#### MOTION

On motion of Senator Rockefeller, Second Substitute Senate Bill No. 5138 was substituted for Senate Bill No. 5138 and the second substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Swecker be adopted.

On page 3, line 13, after "ecology.", insert the following:

"However, the department of transportation's obligations under this section are subject to availability of amounts appropriated for the specific purpose identified in this section."

Senator Haugen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Swecker on page 3, line 13 to Second Substitute Senate Bill No. 5138.

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

#### MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5138.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5138 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli

Excused: Senator Parlette

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5138, 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. 5560, by Senators Ranker, Swecker, Brown, Hargrove, Pridemore, Marr, Kilmer, Rockefeller, Kauffman, Haugen, Eide, Hobbs, Kohl-Welles, Jarrett, Fraser, Jacobsen and Murray

Regarding state agency climate leadership.

#### MOTION

On motion of Senator Ranker, Second Substitute Senate Bill No. 5560 was substituted for Senate Bill No. 5560 and the second substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Ranker moved that the following amendment by Senator Ranker be adopted.

On page 4, beginning on line 28, after "Passenger vehicles" strike all material through "section." on line 31, and insert "are exempt if used: (a) By the Washington state patrol; or (b) for natural resource management in a fifty percent off-pavement capacity."

On page 5, beginning on line 24, after "Passenger vehicles" strike all material through "section." on line 26, and insert "are exempt if used: (1) By the Washington state patrol; or (2) for natural resource management in a fifty percent off-pavement capacity."

On page 6, line 6, after "by" strike "July" and insert "December"

Senator Ranker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Ranker on page 4, line 28 to Second Substitute Senate Bill No. 5560.

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

#### MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

#### MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler be adopted.

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On page 7, line 31, after "**Sec. 10.**" strike "This act shall be in effect only to the extent that funds are specifically appropriated for the purposes of this act." and insert "If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Senator Schoesler spoke in favor of adoption of the amendment.

Senator McDermott spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 7, line 31 to Second Substitute Senate Bill No. 5560.

The motion by Senator Schoesler failed and the amendment was not adopted by a rising vote.

## MOTION

On motion of Senator Ranker, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5560 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ranker spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5560.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5560 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Pflug, Roach, Schoesler and Stevens

Excused: Senators Parlette and Zarelli

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5560, 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. 5724, by Senator Pridemore

Concerning the generation of electricity from biomass energy that is a renewable resource.

## MOTIONS

On motion of Senator Pridemore, Substitute Senate Bill No. 5724 was substituted for Senate Bill No. 5724 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pridemore, the rules were suspended, Substitute Senate Bill No. 5724 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

## MOTION

On motion of Senator Kauffman, Senator Berkey was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5724.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5724 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Berkey, Parlette and Zarelli

SUBSTITUTE SENATE BILL NO. 5724, 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. 5921, by Senators Rockefeller, Pridemore, Ranker, Kline and Kohl-Welles

Creating a clean energy collaborative. Revised for 1st Substitute: Creating a clean energy leadership initiative.

## MOTIONS

On motion of Senator Rockefeller, Substitute Senate Bill No. 5921 was substituted for Senate Bill No. 5921 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rockefeller, the rules were suspended, Substitute Senate Bill No. 5921 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5921.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5921 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senator King

Excused: Senators Parlette and Zarelli

SUBSTITUTE SENATE BILL NO. 5921, 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.

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## SECOND READING

SENATE BILL NO. 5854, by Senators Kilmer, Pridemore, Ranker, Rockefeller, Marr, Fraser, Kohl-Welles, Kline, Murray and Keiser

Reducing climate pollution in the built environment.

## MOTION

On motion of Senator Kilmer, Second Substitute Senate Bill No. 5854 was substituted for Senate Bill No. 5854 and the second substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Kilmer moved that the following striking amendment by Senators Kilmer, Hargrove and Rockefeller be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that energy efficiency is the cheapest, quickest, and cleanest way to meet rising energy needs, confront climate change, and boost our economy. More than thirty percent of Washington's greenhouse gas emissions come from energy use in buildings. Making homes, businesses, and public institutions more energy efficient will save money, create good local jobs, enhance energy security, reduce pollution that causes global warming, and speed economic recovery while reducing the need to invest in costly new generation. Washington can spur its economy and assert its regional and national clean energy leadership by putting efficiency first. Washington can accomplish this by: Promoting super efficient, low-energy use building codes; requiring disclosure of buildings' energy use to prospective buyers; making public buildings models of energy efficiency; financing energy saving upgrades to existing buildings; and reducing utility bills for low-income households.

**NEW SECTION. Sec. 2.** The definitions in this section apply to sections 1 through 3 and 5 through 8 of this act and RCW 19.27A.020 unless the context clearly requires otherwise.

(1) "Benchmark" means the energy used by a facility as recorded monthly for at least one year and the facility characteristics information inputs required for a portfolio manager.

(2) "Conditioned space" means conditioned space, as defined in the Washington state energy code.

(3) "Consumer-owned utility" includes a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, a port district formed under Title 53 RCW, or a water-sewer district formed under Title 57 RCW, that is engaged in the business of distributing electricity to one or more retail electric customers in the state.

(4) "Cost-effectiveness" means that a project or resource is forecast:

(a) To be reliable and available within the time it is needed; and

(b) To meet or reduce the power demand of the intended consumers at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative project or resource, or any combination thereof.

(5) "Council" means the state building code council.

(6) "Department" means the department of community, trade, and economic development.

(7) "Embodied energy" means the total amount of fossil fuel energy consumed to extract raw materials and to manufacture, assemble, transport, and install the materials in a building and the life-cycle cost benefits including the recyclability and energy efficiencies with respect to building materials, taking into account the total sum of current values for the costs of investment, capital, installation, operating, maintenance, and replacement as estimated for the lifetime of the product or project.

(8) "Energy consumption data" means the monthly amount of energy consumed by a customer as recorded by the applicable energy meter for the most recent twelve-month period.

(9) "Energy service company" has the same meaning as in RCW 43.19.670.

(10) "General administration" means the department of general administration.

(11) "Greenhouse gas" and "greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(12) "Investment grade energy audit" means an intensive engineering analysis of energy efficiency and management measures for the facility, net energy savings, and a cost-effectiveness determination.

(13) "Investor-owned utility" means a corporation owned by investors that meets the definition of "corporation" as defined in RCW 80.04.010 and is engaged in distributing either electricity or natural gas, or both, to more than one retail electric customer in the state.

(14) "Major facility" means any publicly owned or leased building, or a group of such buildings at a single site, having ten thousand square feet or more of conditioned floor space.

(15) "National energy performance rating" means the score provided by the energy star program, to indicate the energy efficiency performance of the building compared to similar buildings in that climate as defined in the United States environmental protection agency "ENERGY STAR® Performance Ratings Technical Methodology."

(16) "Net zero energy use" means a building with net energy consumption of zero over a typical year.

(17) "Portfolio manager" means the United States environmental protection agency's energy star portfolio manager or an equivalent tool adopted by the department.

(18) "Preliminary energy audit" means a quick evaluation by an energy service company of the energy savings potential of a building.

(19) "Qualifying public agency" includes all state agencies, colleges, and universities.

(20) "Qualifying utility" means a consumer-owned or investor-owned gas or electric utility that serves more than twenty-five thousand customers in the state of Washington.

(21) "Reporting public facility" means any of the following:

(a) A building or structure, or a group of buildings or structures at a single site, owned by a qualifying public agency, that exceed ten thousand square feet of conditioned space;

(b) Buildings, structures, or spaces leased by a qualifying public agency that exceeds ten thousand square feet of conditioned space, where the qualifying public agency purchases energy directly from the investor-owned or consumer-owned utility;

(c) A wastewater treatment facility owned by a qualifying public agency; or

(d) Other facilities selected by the qualifying public agency.

(22) "State portfolio manager master account" means a portfolio manager account established to provide a single shared portfolio that includes reports for all the reporting public facilities.

**NEW SECTION. Sec. 3.** (1) The department shall develop and implement a strategic plan for enhancing energy efficiency in and reducing greenhouse gas emissions from homes,

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buildings, districts, and neighborhoods. The strategic plan must be used to help direct the future code increases in RCW 19.27A.020, with targets for new buildings consistent with section 5 of this act. The strategic plan will identify barriers to achieving net zero energy use in homes and buildings and identify how to overcome these barriers in future energy code updates and through complementary policies.

(2) The department must complete and release the strategic plan to the legislature and the council by December 31, 2010, and update the plan every three years.

(3) The strategic plan must include recommendations to the council on energy code upgrades. At a minimum, the strategic plan must:

(a) Consider development of aspirational codes separate from the state energy code that contain economically and technically feasible optional standards that could achieve higher energy efficiency for those builders that elected to follow the aspirational codes in lieu of or in addition to complying with the standards set forth in the state energy code;

(b) Determine the appropriate methodology to measure achievement of state energy code targets using the United States environmental protection agency's target finder program or equivalent methodology;

(c) Address the need for enhanced code training and enforcement;

(d) Include state strategies to support research, demonstration, and education programs designed to achieve a seventy percent reduction in annual net energy consumption as specified in section 5 of this act and enhance energy efficiency and on-site renewable energy production in buildings;

(e) Recommend incentives, education, training programs and certifications, particularly state-approved training or certification programs, joint apprenticeship programs, or labor-management partnership programs that train workers for energy-efficiency projects to ensure proposed programs are designed to increase building professionals' ability to design, construct, and operate buildings that will meet the seventy percent reduction in annual net energy consumption as specified in section 5 of this act;

(f) Address barriers for utilities to serve net zero energy homes and buildings and policies to overcome those barriers;

(g) Address the limits of a prescriptive code in achieving net zero energy use homes and buildings and propose a transition to performance-based codes;

(h) Identify financial mechanisms such as tax incentives, rebates, and innovative financing to motivate energy consumers to take action to increase energy efficiency and their use of on-site renewable energy. Such incentives, rebates, or financing options may consider the role of government programs as well as utility-sponsored programs;

(i) Address the adequacy of education and technical assistance, including school curricula, technical training, and peer-to-peer exchanges for professional and trade audiences;

(j) Develop strategies to develop and install district and neighborhood-wide energy systems that help meet net zero energy use in homes and buildings;

(k) Identify costs and benefits of energy efficiency measures on residential and nonresidential construction; and

(l) Investigate methodologies and standards for the measurement of the amount of embodied energy used in building materials.

(4) The department and the council shall convene a work group to inform the initial development of the strategic plan. Membership of the work group may include, but is not limited to, representatives from:

(a) A municipal code enforcement officer employed by a municipality;

(b) A residential builder, recommended by a statewide association representing residential contractors;

(c) A commercial builder, recommended by a statewide association representing commercial general contractors;

(d) An architect licensed in the state who is knowledgeable of environmentally sound building practices and standards, recommended by the American institute of architects Washington chapter;

(e) A professional engineer licensed in Washington state, recommended by a statewide association of structural engineers;

(f) A historic preservation representative, recommended by the Washington historic preservation commission, with experience implementing the state's standards for the treatment of historic properties;

(g) A conservation group working in energy efficiency;

(h) The Northwest power planning and conservation council;

(i) An investor-owned utility providing electricity service;

(j) An investor-owned utility providing natural gas service;

(k) A public utility district;

(l) A municipal electric utility;

(m) An electric cooperative;

(n) A representative of the energy services companies industry;

(o) A representative from the legal profession;

(p) A representative from a financial institution or entity familiar with municipal bonds;

(q) An electrical engineer licensed in Washington state, recommended by a statewide association of electrical engineers;

(r) A consulting design firm working on building renewable energy solutions;

(s) A representative from a labor union representing workers in energy or building and construction industries or labor affiliates administering state-approved, joint apprenticeship programs or labor-management partnership programs that train workers for these industries;

(t) A representative of an equipment manufacturer;

(u) A mechanical HVAC engineer licensed in Washington state, recommended by a statewide association of mechanical HVAC engineers;

(v) A commercial or industrial developer, recommended by the national association of industrial office properties;

(w) A realtor, recommended by a statewide association of realtors;

(x) A construction materials supplier, recommended by a statewide aggregate and concrete association; and

(y) A rental housing property owner, recommended by a statewide multifamily housing association.

**Sec. 4.** RCW 19.27A.020 and 1998 c 245 s 8 are each amended to read as follows:

(1) ~~((No later than January 1, 1991,))~~ The state building code council shall adopt rules to be known as the Washington state energy code as part of the state building code.

(2) The council shall follow the legislature's standards set forth in this section to adopt rules to be known as the Washington state energy code. The Washington state energy code shall be designed to:

(a) Construct increasingly energy efficient homes and buildings that help achieve the broader goal of building zero fossil-fuel greenhouse gas emission homes and buildings by the year 2031;

(b) Require new buildings to meet a certain level of energy efficiency, but allow flexibility in building design, construction, and heating equipment efficiencies within that framework(~~(The Washington state energy code shall be designed to));~~ and

(c) Allow space heating equipment efficiency to offset or substitute for building envelope thermal performance.

(3) The Washington state energy code shall take into account regional climatic conditions. Climate zone 1 shall include all counties not included in climate zone 2. Climate zone 2 includes: Adams, Chelan, Douglas, Ferry, Grant,

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Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman counties.

(4) The Washington state energy code for residential buildings shall ~~((require:~~

~~—(a) New residential buildings that are space heated with electric resistance heating systems to achieve energy use equivalent to that used in typical buildings constructed with:~~

~~—(i) Ceilings insulated to a level of R-38. The code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 @ value includes insulation only);~~

~~—(ii) In zone 1, walls insulated to a level of R-19 @ value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components; in zone 2 walls insulated to a level of R-24 @ value includes insulation only), or constructed with two by six members, R-22 insulation batts, R-3.2 insulated sheathing, and other normal construction assembly components; for the purpose of determining equivalent thermal performance, the wall U-value shall be 0.058 in zone 1 and 0.044 in zone 2;~~

~~—(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 @ value includes insulation only);~~

~~—(iv) Floors over unheated spaces insulated to a level of R-30 @ value includes insulation only);~~

~~—(v) Slab on grade floors insulated to a level of R-10 at the perimeter;~~

~~—(vi) Double glazed windows with values not more than U-0.4;~~

~~—(vii) In zone 1 the glazing area may be up to twenty-one percent of floor area and in zone 2 the glazing area may be up to seventeen percent of floor area where consideration of the thermal resistance values for other building components and solar heat gains through the glazing result in thermal performance equivalent to that achieved with thermal resistance values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection and glazing area equal to fifteen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area; and~~

~~—(viii) Exterior doors insulated to a level of R-5; or an exterior wood door with a thermal resistance value of less than R-5 and values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection.~~

~~—(b) New residential buildings which are space heated with all other forms of space heating to achieve energy use equivalent to that used in typical buildings constructed with:~~

~~—(i) Ceilings insulated to a level of R-30 in zone 1 and R-38 in zone 2 the code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 @ value includes insulation only);~~

~~—(ii) Walls insulated to a level of R-19 @ value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components;~~

~~—(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 @ value includes insulation only);~~

~~—(iv) Floors over unheated spaces insulated to a level of R-19 in zone 1 and R-30 in zone 2 @ value includes insulation only);~~

~~—(v) Slab on grade floors insulated to a level of R-10 at the perimeter;~~

~~—(vi) Heat pumps with a minimum heating season performance factor (HSPF) of 6.8 or with all other energy sources with a minimum annual fuel utilization efficiency~~

~~(AFUE) of seventy-eight percent;~~

~~—(vii) Double glazed windows with values not more than U-0.65 in zone 1 and U-0.60 in zone 2. The state building code council, in consultation with the department of community, trade, and economic development, shall review these U-values, and, if economically justified for consumers, shall amend the Washington state energy code to improve the U-values by December 1, 1993. The amendment shall not take effect until July 1, 1994; and~~

~~—(viii) In zone 1, the maximum glazing area shall be twenty-one percent of the floor area. In zone 2 the maximum glazing area shall be seventeen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area.~~

~~—(c) The requirements of (b)(ii) of this subsection do not apply to residences with log or solid timber walls with a minimum average thickness of three and one-half inches and with space heat other than electric resistance.~~

~~—(d) The state building code council may approve an energy code for pilot projects of residential construction that use innovative energy efficiency technologies intended to result in savings that are greater than those realized in the levels specified in this section.~~

~~—(5) U-values for glazing shall be determined using the area weighted average of all glazing in the building. U-values for vertical glazing shall be determined, certified, and labeled in accordance with the appropriate national fenestration rating council (NFRC) standard, as determined and adopted by the state building code council. Certification of U-values shall be conducted by a certified, independent agency licensed by the NFRC. The state building code council may develop and adopt alternative methods of determining, certifying, and labeling U-values for vertical glazing that may be used by fenestration manufacturers if determined to be appropriate by the council. The state building code council shall review and consider the adoption of the NFRC standards for determining, certifying, and labeling U-values for doors and skylights when developed and published by the NFRC. The state building code council may develop and adopt appropriate alternative methods for determining, certifying, and labeling U-values for doors and skylights. U-values for doors and skylights determined, certified, and labeled in accordance with the appropriate NFRC standard shall be acceptable for compliance with the state energy code. Sealed insulation glass, where used, shall conform to, or be in the process of being tested for, ASTM E-774-81 class A or better)) be the 2006 edition of the Washington state energy code, or as amended by rule by the council.~~

~~((6)) (5) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, ((4986)) 2006 edition, or as amended by the council by rule.~~

~~((7)) (6)(a) Except as provided in (b) of this subsection, the Washington state energy code for residential structures shall preempt the residential energy code of each city, town, and county in the state of Washington.~~

~~(b) The state energy code for residential structures does not preempt a city, town, or county's energy code for residential structures which exceeds the requirements of the state energy code ((and which was adopted by the city, town, or county prior to March 1, 1990. Such cities, towns, or counties may not subsequently amend their energy code for residential structures to exceed the requirements adopted prior to March 1, 1990)).~~

~~((8)) (7) The state building code council shall consult with the department of community, trade, and economic development as provided in RCW 34.05.310 prior to publication of proposed rules. ((The department of community, trade, and economic development shall review the proposed rules for consistency with the guidelines adopted in subsection (4) of this section.))~~

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The director of the department of community, trade, and economic development shall recommend to the state building code council any changes necessary to conform the proposed rules to the requirements of this section.

(8) The state building code council shall evaluate and consider adoption of the international energy conservation code in Washington state in place of the existing state energy code.

(9) The definitions in section 2 of this act apply throughout this section.

NEW SECTION. Sec. 5. (1) Except as provided in subsection (2) of this section, residential and nonresidential construction permitted under the 2031 state energy code must achieve a seventy percent reduction in annual net energy consumption, using the adopted 2006 Washington state energy code as a baseline.

(2) The council shall adopt state energy codes from 2013 through 2031 that incrementally move towards achieving the seventy percent reduction in annual net energy consumption as specified in subsection (1) of this section. The council shall report its progress by December 31, 2012, and every three years thereafter. If the council determines that economic, technological, or process factors would significantly impede adoption of or compliance with this subsection, the council may defer the implementation of the proposed energy code update and shall report its findings to the legislature by December 31st of the year prior to the year in which those codes would otherwise be enacted.

NEW SECTION. Sec. 6. (1) On and after January 1, 2010, qualifying utilities shall maintain records of the energy consumption data of all nonresidential and qualifying public agency buildings to which they provide service. This data must be maintained for at least the most recent twelve months in a format compatible for uploading to the United States environmental protection agency's energy star portfolio manager.

(2) On and after January 1, 2010, upon the written authorization or secure electronic authorization of a nonresidential building owner or operator, a qualifying utility shall upload the energy consumption data for the accounts specified by the owner or operator for a building to the United States environmental protection agency's energy star portfolio manager in a form that does not disclose personally identifying information.

(3) In carrying out the requirements of this section, a qualifying utility shall use any method for providing the specified data in order to maximize efficiency and minimize overall program cost. Qualifying utilities are encouraged to consult with the United States environmental protection agency and their customers in developing reasonable reporting options.

(4) Disclosure of nonpublic nonresidential benchmarking data and ratings required under subsection (5) of this section will be phased in as follows:

(a) By January 1, 2011, for buildings greater than fifty thousand square feet; and

(b) By January 1, 2012, for buildings greater than ten thousand square feet.

(5) Based on the size guidelines in subsection (4) of this section, a building owner or operator, or their agent, of a nonresidential building shall disclose the United States environmental protection agency's energy star portfolio manager benchmarking data and ratings to a prospective buyer, lessee, or lender for the most recent continuously occupied twelve-month period. A building owner or operator, or their agent, who delivers United States environmental protection agency's energy star portfolio manager benchmarking data and ratings to a prospective buyer, lessee, or lender is not required to provide additional information regarding energy consumption, and the information is deemed to be adequate to inform the prospective buyer, lessee, or lender regarding the United States

environmental protection agency's energy star portfolio manager benchmarking data and ratings for the most recent twelve-month period for the building that is being sold, leased, financed, or refinanced.

(6) Notwithstanding subsections (4) and (5) of this section, nothing in this section increases or decreases the duties, if any, of a building owner, operator, or their agent under this chapter or alters the duty of a seller, agent, or broker to disclose the existence of a material fact affecting the real property.

NEW SECTION. Sec. 7. By December 31, 2009, the department shall recommend to the legislature a methodology to determine an energy performance score for residential buildings and an implementation strategy to use such information to improve the energy efficiency of the state's existing housing supply. In developing its strategy, the department shall seek input from providers of residential energy audits, utilities, building contractors, mixed use developers, the residential real estate industry, and real estate listing and form providers.

NEW SECTION. Sec. 8. (1) By July 1, 2010, each qualifying public agency shall:

(a) Create an energy benchmark for each reporting public facility using a portfolio manager;

(b) Report to general administration, the environmental protection agency national energy performance rating for each reporting public facility included in the technical requirements for this rating; and

(c) Link all portfolio manager accounts to the state portfolio manager master account to facilitate public reporting.

(2) By January 1, 2010, general administration shall establish a state portfolio manager master account. The account must be designed to provide shared reporting for all reporting public facilities.

(3) By July 1, 2010, general administration shall select a standardized portfolio manager report for reporting public facilities. General administration, in collaboration with the United States environmental protection agency, shall make the standard report of each reporting public facility available to the public through the portfolio manager web site.

(4) General administration shall prepare a biennial report summarizing the statewide portfolio manager master account reporting data. The first report must be completed by December 1, 2012. Subsequent reporting shall be completed every two years thereafter.

(5) By July 1, 2010, general administration shall develop a technical assistance program to facilitate the implementation of a preliminary audit and the investment grade energy audit. General administration shall design the technical assistance program to utilize audit services provided by utilities or energy services contracting companies when possible.

(6) For each reporting public facility with a national energy performance rating score below fifty, the qualifying public agency, in consultation with general administration, shall undertake a preliminary energy audit by July 1, 2011. If potential cost-effective energy savings are identified, an investment grade energy audit must be completed by July 1, 2013. Implementation of cost-effective energy conservation measures are required by July 1, 2016. For a major facility that is leased by a state agency, college, or university, energy audits and implementation of cost-effective energy conservation measures are required only for that portion of the facility that is leased by the state agency, college, or university.

(7) Schools are strongly encouraged to follow the provisions in subsections (1) through (6) of this section.

(8) The director of the department of general administration, in consultation with the affected state agencies and the office of financial management, shall review the cost and delivery of agency programs to determine the viability of relocation when a facility leased by the state has a national energy performance

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rating score below fifty. The department of general administration shall establish a process to determine viability.

(9) By July 1, 2011, general administration shall conduct a review of facilities not covered by the national energy performance rating. Based on this review, general administration shall develop a portfolio of additional facilities that require preliminary energy audits. For these facilities, the qualifying public agency, in consultation with general administration, shall undertake a preliminary energy audit by July 1, 2012. If potential cost-effective energy savings are identified, an investment grade energy audit must be completed by July 1, 2013.

NEW SECTION. Sec. 9. Sections 2, 3, and 5 through 8 of this act are each added to chapter 19.27A RCW.

NEW SECTION. Sec. 10. Provisions of sections 3, 7, and 8 of this act shall be in effect only during fiscal periods in which specific appropriations are provided referencing this act or chapter number and the relevant section number."

Senator Kilmer spoke in favor of adoption of the striking amendment.

#### MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler to the striking amendment be adopted.

On page 14, line 19 of the amendment, after "Sec. 10." strike "Provisions of sections 3, 7, and 8 of this act shall be in effect only during fiscal periods in which specific appropriations are provided referencing this act or chapter number and the relevant section number." and insert the following:

"If specific funding for the purposes of sections 3, 7, and 8 of this act, referencing sections 3, 7, and 8 of this act by bill or chapter numbers and section numbers, is not provided by June 30, 2009, in the omnibus appropriations act, sections 3, 7, and 8 of this act is null and void.

Senator Schoesler spoke in favor of adoption of the amendment to the striking amendment.

Senator Kilmer spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 14, line 19 to the striking amendment to Second Substitute Senate Bill No. 5854.

The motion by Senator Schoesler failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kilmer, Hargrove and Rockefeller to Second Substitute Senate Bill No. 5854.

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

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "environment;" strike the remainder of the title and insert "amending RCW 19.27A.020; adding new sections to chapter 19.27A RCW; and creating new sections."

#### MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5854 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Carrell spoke against passage of the bill.

#### POINT OF INQUIRY

Senator Hatfield: "Would Senator Carrell yield to a question? Will this be on the test?"

Senator Carrell: "Well, the test is if you can make a house like that for less than a million bucks."

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5854.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5854 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Voting nay: Senators Carrell, Delvin, King, McCaslin and Morton

Excused: Senators Parlette and Zarelli

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5854, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 12:29 p.m., on motion of Senator Eide, the Senate was recessed until 1:30 p.m..

#### AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 6037, by Senators Fairley and Pridemore

Removing oversight of the department of licensing from specific businesses and professions.

#### MOTION

On motion of Senator Fairley, Substitute Senate Bill No. 6037 was substituted for Senate Bill No. 6037 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Fairley moved that the following amendment by Senator Fairley be adopted.

On page 64, at the beginning of line 26, strike "((+))" and insert "(1)"

On page 65, beginning on line 5, strike all material through "~~18.11 RCW~~;" and insert "(2) Notwithstanding subsection (1) of this section, counties shall not license auctioneers that ~~are~~

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~~licensed~~) maintain a surety bond as required by the state under chapter 18.11 RCW."

Senator Fairley spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Brandland, Senators Carrell, Hewitt, Holmquist, Honeyford, King and Roach were excused.

MOTION

On motion of Senator Marr, Senator Rockefeller was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fairley on page 64, line 26 to Substitute Senate Bill No. 6037.

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

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 6037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6037.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6037 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Carrell, Parlette and Rockefeller

ENGROSSED SUBSTITUTE SENATE BILL NO. 6037, 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. 5802, by Senators Oemig, McAuliffe, Hobbs, Kauffman, Jarrett, Tom and Shin

Changing professional educator standards board provisions.

MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 5802 was substituted for Senate Bill No. 5802 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator King moved that the following amendment by Senator King be adopted.

On page 3, at the beginning of line 26, strike all material through ~~(10)~~ on line 34 and insert the following:

~~(9)~~) Each major caucus of the house of representatives and the senate shall submit a list of at least one public school teacher. In making the public school teacher appointments, the governor shall select one nominee from each list provided by each caucus. The governor shall appoint the remaining members of the board from a list of qualified nominees submitted to the governor by organizations representative of the constituencies of the board, from applications from other qualified individuals, or from both nominees and applicants.

~~((10))~~

On page 4, line 3, after ~~(13))~~ insert "(3)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senator King spoke in favor of adoption of the amendment.

Senator McAuliffe spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator King on page 3, line 26 to Substitute Senate Bill No. 5802.

The motion by Senator King failed and the amendment was not adopted by a rising vote.

MOTION

Senator Swecker moved that the following amendment by Senator Swecker be adopted.

On page 4, line 16, after "schools" insert "and private schools"

On page 4, beginning on line 21, after "(4)" insert "One member of the board shall be a private school teacher.

(5)"

Renumber the remaining sections consecutively and correct any internal references accordingly.

WITHDRAWAL OF AMENDMENT

On motion of Senator Swecker, the amendment by Senator Swecker on page 4, line 16 to Substitute Senate Bill No. 5802 was withdrawn.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 4, line 21, after "(4)" insert the following:

"All appointments to the board made by the governor shall be subject to confirmation by the senate.

(5)"

Renumber the subsections consecutively, correct any internal references accordingly.

Senator Benton spoke in favor of adoption of the amendment.

Senator McAuliffe spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 4, line 21 to Substitute Senate Bill No. 5802.

The motion by Senator Benton failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5802 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5802.



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## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5802 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 13; Absent, 1; Excused, 3.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Ranker, Regala, Sheldon, Shin, Swecker and Tom

Voting nay: Senators Becker, Benton, Brandland, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Roach, Schoesler, Stevens and Zarelli

Absent: Senator Pridemore

Excused: Senators Carrell, Parlette and Rockefeller

SUBSTITUTE SENATE BILL NO. 5802, 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. 5880, by Senators McAuliffe, Oemig, Hobbs and McDermott

Providing flexibility in the education system.

## MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 5880 was substituted for Senate Bill No. 5880 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator McAuliffe moved that the following striking amendment by Senator McAuliffe and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.300.150 and 2006 c 263 s 705 are each amended to read as follows:

The superintendent of public instruction shall collect and disseminate to school districts information on child abuse and neglect prevention curriculum and shall adopt rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools. The superintendent of public instruction and the departments of social and health services and community, trade, and economic development shall share relevant information. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

Sec. 2. RCW 28A.300.160 and 1995 c 399 s 21 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall be the lead agency and shall assist the department of social and health services, the department of community, trade, and economic development, and school districts in establishing a coordinated primary prevention program for child abuse and neglect.

(2) In developing the program, consideration shall be given to the following:

(a) Parent, teacher, and children's workshops whose information and training is:

(i) Provided in a clear, age-appropriate, nonthreatening manner, delineating the problem and the range of possible solutions;

(ii) Culturally and linguistically appropriate to the population served;

(iii) Appropriate to the geographic area served; and

(iv) Designed to help counteract common stereotypes about child abuse victims and offenders;

(b) Training for school age children's parents and school staff, which includes:

(i) Physical and behavioral indicators of abuse;

(ii) Crisis counseling techniques;

(iii) Community resources;

(iv) Rights and responsibilities regarding reporting;

(v) School district procedures to facilitate reporting and apprise supervisors and administrators of reports; and

(vi) Caring for a child's needs after a report is made;

(c) Training for licensed day care providers and parents that includes:

(i) Positive child guidance techniques;

(ii) Physical and behavioral indicators of abuse;

(iii) Recognizing and providing safe, quality day care;

(iv) Community resources;

(v) Rights and responsibilities regarding reporting; and

(vi) Caring for the abused or neglected child;

(d) Training for children that includes:

(i) The right of every child to live free of abuse;

(ii) How to disclose incidents of abuse and neglect;

(iii) The availability of support resources and how to obtain help;

(iv) Child safety training and age-appropriate self-defense techniques; and

(v) A period for crisis counseling and reporting immediately following the completion of each children's workshop in a school setting which maximizes the child's privacy and sense of safety.

(3) The office of the superintendent of public instruction shall not require annual training under subsection (2) of this section. The office of the superintendent of public instruction may consider offering training every four years, except for new employees who shall receive training within the first year of their hire date. School districts are encouraged to work with private or nonprofit entities that have the ability to provide the appropriate training for staff in accordance with this section.

(4) The primary prevention program established under this section shall be a voluntary program and shall not be part of the basic program of education.

((+)) (5) Parents shall be given notice of the primary prevention program and may refuse to have their children participate in the program.

Sec. 3. RCW 28A.300.270 and 1994 sp.s. c 7 s 602 are each amended to read as follows:

(1) The superintendent of public instruction shall, to the extent funding is available, contract with school districts, educational service districts, and approved in-service providers to conduct training sessions for school certificated and classified employees in conflict resolution and other violence prevention topics. The training shall be developmentally and culturally appropriate for the school populations being served and be research based. The training shall not be based solely on providing materials, but also shall include techniques on imparting these skills to students. The training sessions shall be developed in coordination with school districts, the superintendent of public instruction, parents, law enforcement agencies, human services providers, and other interested parties. The training shall be offered to school districts and school staff requesting the training, and shall be made available at locations throughout the state.

(2) The office of the superintendent of public instruction shall not require annual training sessions. The training may be offered every four years.

Sec. 4. RCW 28A.300.450 and 2004 c 247 s 2 are each

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amended to read as follows:

(1) A financial literacy public-private partnership is established, composed of up to four members representing the legislature, one from and appointed by the office of the superintendent of public instruction, one from and appointed by the department of financial institutions, up to four from the financial services sector, and four educators. One or two members of the senate, one of whom is a member of the senate committee on financial services, insurance and housing, shall be appointed by the president of the senate. One or two members of the house of representatives, one of whom is a member of the house committee on financial institutions and insurance, shall be appointed by the speaker of the house of representatives. The superintendent of public instruction shall appoint the members from the financial services sector and educator members. The chair of the partnership shall be selected by the members of the partnership.

(2) To the extent funds are appropriated or are available for this purpose, technical and logistical support may be provided by the office of the superintendent of public instruction, the organizations composing the partnership, and other participants in the financial literacy public-private partnership. The superintendent of public instruction shall compile the initial list of members and convene the first meeting of the partnership.

(3) The members of the committee shall be appointed by July 1, 2004.

(4) Legislative members of the partnership shall receive per diem and travel under RCW 44.04.120.

(5) Travel and other expenses of members of the partnership shall be provided by the agency, association, or organization that member represents.

(6) This section is suspended until July 1, 2011.

**Sec. 5.** RCW 28A.300.490 and 2007 c 406 s 2 are each amended to read as follows:

(1) A task force on gangs in schools is created to examine current adult and youth gang activities that are affecting school safety. The task force shall work under the guidance of the superintendent of public instruction school safety center, the school safety center advisory committee, and the Washington association of sheriffs and police chiefs.

(2) The task force shall be comprised of representatives, selected by the superintendent of public instruction, who possess expertise relevant to gang activity in schools. The task force shall outline methods for preventing new gangs, eliminating existing gangs, gathering intelligence, and sharing information about gang activities.

(3) Beginning December 1, 2007, the task force shall annually report its findings and recommendations to the education committees of the legislature.

(4) This section is suspended until July 1, 2011.

**Sec. 6.** RCW 28A.300.520 and 2007 c 384 s 5 are each amended to read as follows:

(1) The superintendent of public instruction shall review current policies and assess the adequacy and availability of programs targeted at children who have a parent who is incarcerated in a department of corrections facility. The superintendent of public instruction shall adopt policies that support the children of incarcerated parents and meet their needs with the goal of facilitating normal child development, including maintaining adequate academic progress, while reducing intergenerational incarceration.

(2) The superintendent shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the students who are the children of inmates incarcerated in department of corrections facilities; and

(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee.

(3) This section is suspended until July 1, 2011.

**Sec. 7.** RCW 28A.320.080 and 1995 c 77 s 21 are each amended to read as follows:

Every board of directors, unless otherwise specifically provided by law, shall:

(1) Provide for the expenditure of a reasonable amount for suitable commencement exercises;

(2) ~~((In addition to providing))~~ To the extent funds are available, provide free instruction in lip reading for children disabled by defective hearing((s)) and make arrangements for free instruction in lip reading to adults disabled by defective hearing whenever in its judgment such instruction appears to be in the best interests of the school district and adults concerned;

(3) Join with boards of directors of other school districts or an educational service district pursuant to RCW 28A.310.180(3), or both such school districts and educational service district in buying supplies, equipment and services by establishing and maintaining a joint purchasing agency, or otherwise, when deemed for the best interests of the district, any joint agency formed hereunder being herewith authorized and empowered to issue interest bearing warrants in payment of any obligation owed: **PROVIDED, HOWEVER,** That those agencies issuing interest bearing warrants shall assign accounts receivable in an amount equal to the amount of the outstanding interest bearing warrants to the county treasurer issuing such interest bearing warrants: **PROVIDED FURTHER,** That the joint purchasing agency shall consider the request of any one or more private schools requesting the agency to jointly buy supplies, equipment, and services including but not limited to school bus maintenance services, and, after considering such request, may cooperate with and jointly make purchases with private schools of supplies, equipment, and services, including but not limited to school bus maintenance services, so long as such private schools pay in advance their proportionate share of the costs or provide a surety bond to cover their proportionate share of the costs involved in such purchases;

(4) Consider the request of any one or more private schools requesting the board to jointly buy supplies, equipment and services including but not limited to school bus maintenance services, and, after considering such request, may provide such joint purchasing services: **PROVIDED,** That such private schools pay in advance their proportionate share of the costs or provide a surety bond to cover their proportionate share of the costs involved in such purchases; and

(5) Prepare budgets as provided for in chapter 28A.505 RCW.

**Sec. 8.** RCW 28A.625.020 and 1991 c 255 s 1 are each amended to read as follows:

(1) The superintendent of public instruction shall establish an annual award program for excellence in education to recognize teachers, principals, administrators, classified staff, school district superintendents, and school boards for their leadership, contributions, and commitment to education. The program shall recognize annually:

~~((+))~~ (a) Five teachers from each congressional district of the state. One individual must be an elementary level teacher, one must be a junior high or middle school level teacher, and one must be a secondary level teacher. Teachers shall include educational staff associates;

~~((2))~~ (b) Five principals or administrators from the state;

~~((3))~~ (c) One school district superintendent from the state;

~~((4))~~ (d) One school district board of directors from the state; and

~~((5))~~ (e) Three classified staff from each congressional district of the state.

(2) This section is suspended until July 1, 2011.

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**Sec. 9.** RCW 28A.625.042 and 1994 c 279 s 4 are each amended to read as follows:

(1) All recipients of the Washington award for excellence in education shall receive a certificate presented by the governor and the superintendent of public instruction, or their designated representatives, at a public ceremony or ceremonies in appropriate locations.

(2) In addition to the certificate under subsection (1) of this section, the award for teachers, classified employees, superintendents employed by second-class school districts, and principals or administrators shall include a recognition award of at least two thousand five hundred dollars. The amount of the recognition award for superintendents employed by first-class school districts shall be at least one thousand dollars. The recognition award shall not be considered compensation for the purposes of RCW 28A.400.200.

(3) In addition to the certificate under subsection (1) of this section, the award for the school board shall include a recognition award not to exceed two thousand five hundred dollars. The school board must use its recognition award for an educational purpose.

(4) This section is suspended until July 1, 2011.

**Sec. 10.** RCW 28A.625.050 and 1995 c 335 s 108 are each amended to read as follows:

(1) The superintendent of public instruction shall adopt rules under chapter 34.05 RCW to carry out the purposes of RCW 28A.625.010 through 28A.625.065. These rules shall include establishing the selection criteria for the Washington award for excellence in education program. The superintendent is encouraged to consult with teachers, educational staff associates, principals, administrators, classified employees, superintendents, and school board members in developing the selection criteria. Notwithstanding the provisions of RCW 28A.625.020(1) (a) and ~~((2))~~ (b), such rules may allow for the selection of individuals whose teaching or administrative duties, or both, may encompass multiple grade level or building assignments, or both.

(2) This section is suspended until July 1, 2011.

**Sec. 11.** RCW 28A.625.360 and 2006 c 263 s 804 are each amended to read as follows:

(1) The professional educator standards board shall establish an annual award program for excellence in teacher preparation to recognize higher education teacher educators for their leadership, contributions, and commitment to education.

(2) The program shall recognize annually one teacher preparation faculty member from one of the teacher preparation programs approved by the professional educator standards board.

(3) This section is suspended until July 1, 2011.

**Sec. 12.** RCW 28A.625.370 and 2006 c 263 s 820 are each amended to read as follows:

(1) The award for the teacher educator shall include:

~~((+))~~ (a) A certificate presented to the teacher educator by the governor, the chair of the professional educator standards board, and the superintendent of public instruction at a public ceremony; and

~~((2))~~ (b) A grant to the professional education advisory board of the institution from which the teacher educator is selected, which grant shall not exceed two thousand five hundred dollars and which grant shall be awarded under RCW 28A.625.390.

(2) This section is suspended until July 1, 2011.

**Sec. 13.** RCW 28A.625.380 and 2006 c 263 s 821 are each amended to read as follows:

(1) The professional educator standards board shall adopt rules under chapter 34.05 RCW to carry out the purposes of RCW 28A.625.360 through 28A.625.390. These rules shall include establishing the selection criteria for the Washington award for excellence in teacher preparation. The board is encouraged to

consult with teacher educators, deans, and professional education advisory board members in developing the selection criteria. The criteria shall include any role performed by nominees relative to implementing innovative developments by the nominee's teacher preparation program and efforts the nominee has made to assist in communicating with legislators, common school teachers and administrators, and others about the nominee's teacher preparation program.

(2) This section is suspended until July 1, 2011.

**Sec. 14.** RCW 28A.625.390 and 2006 c 263 s 822 are each amended to read as follows:

(1) The professional education advisory board for the institution from which the teacher educator has been selected to receive an award shall be eligible to apply for an educational grant as provided under RCW 28A.625.370. The professional educator standards board shall award the grant after the board has approved the grant application as long as the written grant application is submitted to the board within one year after the award is received by the teacher educator. The grant application shall identify the educational purpose toward which the grant shall be used.

(2) This section is suspended until July 1, 2011.

**Sec. 15.** RCW 28A.640.020 and 1994 c 213 s 1 are each amended to read as follows:

(1) The superintendent of public instruction shall develop ~~((regulations))~~ rules and guidelines to eliminate sex discrimination as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students.

(a) Specifically with respect to public school employment, all schools shall be required to:

(i) Maintain credential requirements for all personnel without regard to sex;

(ii) Make no differentiation in pay scale on the basis of sex;

(iii) Assign school duties without regard to sex except where such assignment would involve duty in areas or situations, such as but not limited to a shower room, where persons might be disrobed;

(iv) Provide the same opportunities for advancement to males and females; and

(v) Make no difference in conditions of employment including, but not limited to, hiring practices, leaves of absence, hours of employment, and assignment of, or pay for, instructional and noninstructional duties, on the basis of sex.

(b) Specifically with respect to counseling and guidance services for students, they shall be made available to all students equally. All certificated personnel shall be required to stress access to all career and vocational opportunities to students without regard to sex.

(c) Specifically with respect to recreational and athletic activities, they shall be offered to all students without regard to sex. Schools may provide separate teams for each sex. Schools which provide the following shall do so with no disparities based on sex: Equipment and supplies; medical care; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; laundry services; assignment of game officials; opportunities for competition, publicity and awards; scheduling of games and practice times including use of courts, gyms, and pools: PROVIDED, That such scheduling of games and practice times shall be determined by local administrative authorities after consideration of the public and student interest in attending and participating in various recreational and athletic activities. Each school which provides showers, toilets, or training room facilities for athletic purposes shall provide comparable facilities for both sexes. Such facilities may be provided either as separate facilities or shall be scheduled and used separately by each sex.

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The superintendent of public instruction shall also be required to develop a student survey to distribute every three years to each local school district in the state to determine student interest for male/participation in specific sports.

(d) Specifically with respect to course offerings, all classes shall be required to be available to all students without regard to sex: PROVIDED, That separation is permitted within any class during sessions on sex education or gym classes.

(e) Specifically with respect to textbooks and instructional materials, which shall also include, but not be limited to, reference books and audio-visual materials, they shall be required to adhere to the guidelines developed by the superintendent of public instruction to implement the intent of this chapter: PROVIDED, That this subsection shall not be construed to prohibit the introduction of material deemed appropriate by the instructor for educational purposes.

(2)(a) By December 31, 1994, the superintendent of public instruction shall develop criteria for use by school districts in developing sexual harassment policies as required under (b) of this subsection. The criteria shall address the subjects of grievance procedures, remedies to victims of sexual harassment, disciplinary actions against violators of the policy, and other subjects at the discretion of the superintendent of public instruction. Disciplinary actions must conform with collective bargaining agreements and state and federal laws. The superintendent of public instruction also shall supply sample policies to school districts upon request.

(b) By June 30, 1995, every school district shall adopt and implement a written policy concerning sexual harassment. The policy shall apply to all school district employees, volunteers, parents, and students, including, but not limited to, conduct between students.

(c) School district policies on sexual harassment shall be reviewed by the superintendent of public instruction considering the criteria established under (a) of this subsection as part of the monitoring process established in RCW 28A.640.030.

(d) The school district's sexual harassment policy shall be conspicuously posted throughout each school building, and provided to each employee. Employees may be provided the policy online. A copy of the policy shall appear in any publication of the school or school district setting forth the rules, (~~regulations,~~) procedures, and standards of conduct for the school or school district.

(e) Each school shall develop a process for discussing the district's sexual harassment policy. The process shall ensure the discussion addresses the definition of sexual harassment and issues covered in the sexual harassment policy.

(f) The office of the superintendent of public instruction shall not require annual training to address the policies of this section. Beginning in 2011, training may be offered every four years, except for new employees who shall receive training within the first year of their hire date.

(g) "Sexual harassment" as used in this section means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature if:

(i) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;

(ii) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or

(iii) That conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.

**Sec. 16.** RCW 28A.150.520 and 2005 c 12 s 9 are each amended to read as follows:

To the extent funds are available, public school districts must

comply with high-performance public (~~buildings~~) buildings requirements under RCW 39.35D.010, 39.35D.020, 39.35D.040, 39.35D.060, and 28A.150.530.

**Sec. 17.** RCW 28A.210.370 and 2005 c 462 s 2 are each amended to read as follows:

(1) The superintendent of public instruction and the secretary of the department of health shall develop a uniform policy for all school districts providing for the in-service training for school staff on symptoms, treatment, and monitoring of students with asthma and on the additional observations that may be needed in different situations that may arise during the school day and during school-sponsored events. To the extent possible, the in-service training shall be offered online and no more than once every three years. The policy shall include the standards and skills that must be in place for in-service training of school staff.

(2) All school districts shall adopt policies regarding asthma rescue procedures for each school within the district.

(3) All school districts must require that each public elementary school and secondary school grant to any student in the school authorization for the self-administration of medication to treat that student's asthma or anaphylaxis, if:

(a) A health care practitioner prescribed the medication for use by the student during school hours and instructed the student in the correct and responsible use of the medication;

(b) The student has demonstrated to the health care practitioner, or the practitioner's designee, and a professional registered nurse at the school, the skill level necessary to use the medication and any device that is necessary to administer the medication as prescribed;

(c) The health care practitioner formulates a written treatment plan for managing asthma or anaphylaxis episodes of the student and for medication use by the student during school hours; and

(d) The student's parent or guardian has completed and submitted to the school any written documentation required by the school, including the treatment plan formulated under (c) of this subsection and other documents related to liability.

(4) An authorization granted under subsection (3) of this section must allow the student involved to possess and use his or her medication:

(a) While in school;

(b) While at a school-sponsored activity, such as a sporting event; and

(c) In transit to or from school or school-sponsored activities.

(5) An authorization granted under subsection (3) of this section:

(a) Must be effective only for the same school and school year for which it is granted; and

(b) Must be renewed by the parent or guardian each subsequent school year in accordance with this subsection.

(6) School districts must require that backup medication, if provided by a student's parent or guardian, be kept at a student's school in a location to which the student has immediate access in the event of an asthma or anaphylaxis emergency.

(7) School districts must require that information described in subsection (3)(c) and (d) of this section be kept on file at the student's school in a location easily accessible in the event of an asthma or anaphylaxis emergency.

(8) Nothing in this section creates a cause of action or in any other way increases or diminishes the liability of any person under any other law.

**Sec. 18.** RCW 28A.210.380 and 2008 c 173 s 1 are each amended to read as follows:

(1) The office of the superintendent of public instruction, in consultation with the department of health, shall develop anaphylactic policy guidelines for schools to prevent anaphylaxis and deal with medical emergencies resulting from

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it. The policy guidelines shall be developed with input from pediatricians, school nurses, other health care providers, parents of children with life-threatening allergies, school administrators, teachers, and food service directors.

The policy guidelines shall include, but need not be limited to:

(a) A procedure for each school to follow to develop a treatment plan including the responsibilities ~~((for -[of])~~) of school nurses and other appropriate school personnel responsible for responding to a student who may be experiencing anaphylaxis;

(b) The content of a training course for appropriate school personnel for preventing and responding to a student who may be experiencing anaphylaxis. To the extent possible, the training course shall be offered online and no more than once every three years;

(c) A procedure for the development of an individualized emergency health care plan for children with food or other allergies that could result in anaphylaxis;

(d) A communication plan for the school to follow to gather and disseminate information on students with food or other allergies who may experience anaphylaxis;

(e) Strategies for reduction of the risk of exposure to anaphylactic causative agents including food and other allergens.

(2) For the purpose of this section "anaphylaxis" means a severe allergic and life-threatening reaction that is a collection of symptoms, which may include breathing difficulties and a drop in blood pressure or shock.

(3)(a) By October 15, 2008, the superintendent of public instruction shall report to the select interim legislative task force on comprehensive school health reform created in section 6, chapter 5, Laws of 2007, on the following:

(i) The implementation within school districts of the 2008 guidelines for care of students with life-threatening food allergies developed by the superintendent pursuant to section 501, chapter 522, Laws of 2007, including a review of policies developed by the school districts, the training provided to school personnel, and plans for follow-up monitoring of policy implementation; and

(ii) Recommendations on requirements for effectively implementing the school anaphylactic policy guidelines developed under this section.

(b) By March 31, 2009, the superintendent of public instruction shall report policy guidelines to the appropriate committees of the legislature and to school districts for the districts to use to develop and adopt their policies.

(4) By September 1, 2009, each school district shall use the guidelines developed under subsection (1) of this section to develop and adopt a school district policy for each school in the district to follow to assist schools to prevent anaphylaxis.

**Sec. 19.** RCW 39.35D.040 and 2006 c 263 s 331 are each amended to read as follows:

(1) All major facility projects of public school districts receiving any funding in a state capital budget must be designed and constructed to at least the LEED silver standard or the Washington sustainable school design protocol. To the extent appropriate LEED silver or Washington sustainable school design protocol standards exist for the type of building or facility, this subsection applies to major facility projects that have not received project approval from the superintendent of public instruction prior to: (a) July 1, 2006, for volunteering school districts; (b) July 1, 2007, for class one school districts; and (c) July 1, 2008, for class two school districts.

(2) Public school districts under this section shall: (a) Monitor and document appropriate operating benefits and savings resulting from major facility projects designed and constructed as required under this section for a minimum of five years following local board acceptance of a project receiving state funding; and (b) report annually to the superintendent of

public instruction. The form and content of each report must be mutually developed by the office of the superintendent of public instruction in consultation with school districts.

(3) The superintendent of public instruction shall consolidate the reports required in subsection (2) of this section into one report and report to the governor and legislature by September 1st of each even-numbered year beginning in 2006 and ending in 2016. In its report, the superintendent of public instruction shall also report on the implementation of this chapter, including reasons why the LEED standard or Washington sustainable school design protocol was not used as required by RCW 39.35D.020(5)(b). The superintendent of public instruction shall make recommendations regarding the ongoing implementation of this chapter, including a discussion of incentives and disincentives related to implementing this chapter.

(4) The superintendent of public instruction shall develop and issue guidelines for administering this chapter for public school districts. The purpose of the guidelines is to define a procedure and method for employing and verifying compliance with the LEED silver standard or the Washington sustainable school design protocol.

(5) The superintendent of public instruction shall utilize the school facilities advisory board as a high-performance buildings advisory committee comprised of affected public schools, the superintendent of public instruction, the department, and others at the superintendent of public instruction's discretion to provide advice on implementing this chapter. Among other duties, the advisory committee shall make recommendations regarding an education and training process and an ongoing evaluation or feedback process to help the superintendent of public instruction implement this chapter.

(6) School districts are required to comply with this section only to the extent federal or state funds are available.

NEW SECTION. Sec. 20. The following acts or parts of acts, as now existing or hereafter amended, are each repealed:

(1) RCW 28A.210.360 (Model policy on access to nutritious foods and developmentally appropriate exercise--School district policies) and 2004 c 138 s 2;

(2) RCW 28A.210.365 (Food choice, physical activity, childhood fitness--Minimum standards--District waiver or exemption policy) and 2007 c 5 s 5; and

(3) RCW 28A.170.050 (Advisory committee--Members--Duties) and 1997 c 13 s 3 & 1987 c 518 s 209.

NEW SECTION. Sec. 21. Sections 4 through 6, 8 through 14, 16, and 19 of this act expire July 1, 2011.

NEW SECTION. Sec. 22. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators McAuliffe and King spoke in favor of adoption of the striking amendment.

#### MOTION

Senator Tom moved that the following amendment by Senator Tom to the striking amendment be adopted.

On page 6, after line 26 of the amendment, insert the following:

"**Sec. 8.** RCW 28A.345.020 and 1969 ex.s. c 223 s 28A.61.020 are each amended to read as follows:

The membership of the school directors' association ~~((shall))~~ may comprise the members of the boards of directors of the school districts of the state.

**Sec. 9.** RCW 28A.345.050 and 1983 c 187 s 2 are each amended to read as follows:

The school directors' association may establish a graduated schedule of dues for members of the association based upon the number of certificated personnel in each district. Dues shall be

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established for the directors of each district as a group. The total of all dues assessed shall not exceed twenty-seven cents for each one thousand dollars of the statewide total of all school districts' general fund receipts. The board of directors of a school district shall make provision for payment out of the general fund of the district of the dues of association members resident in the district, which payment shall be made in the manner provided by law for the payment of other claims against the general fund of the district. The dues for each member school district shall be due and payable on the first day of January of each year."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Tom, King, Roach and Schoesler spoke in favor of adoption of the amendment to the striking amendment.

Senators McAuliffe, Haugen and Hobbs spoke against adoption of the amendment to the striking amendment.

#### POINT OF PERSONAL PRIVILEGE

Senator Roach: "Mr. President, members of the Senate, it is so cold out here I've know taken to wearing a jacket, you know, so we've got three layers, four layers here to make sure..."

The President declared the question before the Senate to be the adoption of the amendment by Senator Tom on page 6, after line 26 to the striking amendment to Substitute Senate Bill No. 5880.

The motion by Senator Tom carried and the amendment to the striking amendment was adopted by a rising vote.

#### MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles, Murray and Tom to the striking amendment be adopted.

Beginning on page 16, line 31 of the amendment, strike all of section 20 and insert the following:

"NEW SECTION. Sec. 20. RCW 28A.170.050 (Advisory committee--Members--Duties) and 1997 c 13 s 3 & 1987 c

On page 17, beginning on line 16 of the title amendment, after "RCW" strike all material through "28A.210.365, and" on line 17

Senators Kohl-Welles, Keiser, Franklin and Kauffman spoke in favor of adoption of the amendment to the striking amendment.

Senators McAuliffe, Brandland and Hobbs spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles, Murray and Tom on page 16, line 31 to the striking amendment to Substitute Senate Bill No. 5880.

The motion by Senator Kohl-Welles failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator McAuliffe as amended to Substitute Senate Bill No. 5880.

The motion by Senator McAuliffe carried and the striking amendment as amended was adopted by voice vote.

#### MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "system;" strike the remainder of the title and insert "amending RCW 28A.300.150, 28A.300.160, 28A.300.270, 28A.300.450, 28A.300.490,

28A.300.520, 28A.320.080, 28A.625.020, 28A.625.042, 28A.625.050, 28A.625.360, 28A.625.370, 28A.625.380, 28A.625.390, 28A.640.020, 28A.150.520, 28A.210.370, 28A.210.380, and 39.35D.040; repealing RCW 28A.210.360, 28A.210.365, and 28A.170.050; providing an expiration date; and declaring an emergency."

On page 17, line 14 of the title amendment, after "28A.320.080," insert "28A.345.020, 28A.345.050,"

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 5880 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5880.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5880 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Kohl-Welles and Murray

Excused: Senators Parlette and Rockefeller

ENGROSSED SUBSTITUTE SENATE BILL NO. 5880, 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. 5889, by Senators Hobbs, McAuliffe, McDermott and Oemig

Providing flexibility in the education system.

#### MOTION

On motion of Senator Hobbs, Substitute Senate Bill No. 5889 was substituted for Senate Bill No. 5889 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Hobbs moved that the following striking amendment by Senator Hobbs and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.165.025 and 2004 c 20 s 3 are each amended to read as follows:

~~((By July 1st of each year;))~~ (1) A participating school district shall submit the district's plan for using learning assistance funds to the office of the superintendent of public instruction for approval, to the extent required under subsection (2) of this section. ~~((For the 2004-05 school year, school districts must identify the program activities to be implemented from RCW 28A.165.035 and are encouraged to implement the~~

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elements in subsections (1) through (8) of this section. ~~Beginning in the 2005-06 school year;~~) The program plan must identify the program activities to be implemented from RCW 28A.165.035 and implement all of the elements in ~~((subsections (1) through (8)))~~ ~~((a) through ((8)))~~ ~~((h))~~ of this ~~((section))~~ subsection. The school district plan shall include the following:

~~((1))~~ ~~((a))~~ District and school-level data on reading, writing, and mathematics achievement as reported pursuant to chapter 28A.655 RCW and relevant federal law;

~~((2))~~ ~~((b))~~ Processes used for identifying the underachieving students to be served by the program, including the identification of school or program sites providing program activities;

~~((3))~~ ~~((c))~~ How accelerated learning plans are developed and implemented for participating students. Accelerated learning plans may be developed as part of existing student achievement plan process such as student plans for achieving state high school graduation standards, individual student academic plans, or the achievement plans for groups of students. Accelerated learning plans shall include:

~~((a))~~ ~~((i))~~ Achievement goals for the students;

~~((b))~~ ~~((ii))~~ Roles of the student, parents, or guardians and teachers in the plan;

~~((c))~~ ~~((iii))~~ Communication procedures regarding student accomplishment; and

~~((d))~~ ~~((iv))~~ Plan reviews and adjustments processes;

~~((4))~~ ~~((d))~~ How state level and classroom assessments are used to inform instruction;

~~((5))~~ ~~((e))~~ How focused and intentional instructional strategies have been identified and implemented;

~~((6))~~ ~~((f))~~ How highly qualified instructional staff are developed and supported in the program and in participating schools;

~~((7))~~ ~~((g))~~ How other federal, state, district, and school resources are coordinated with school improvement plans and the district's strategic plan to support underachieving students; and

~~((8))~~ ~~((h))~~ How a program evaluation will be conducted to determine direction for the following school year.

~~(2) If a school district has received approval of its plan once, it is not required to submit a plan for approval under RCW 28A.165.045 or this section unless the district has made a significant change to the plan. If a district has made a significant change to only a portion of the plan the district need only submit a description of the changes made and not the entire plan. Plans or descriptions of changes to the plan must be submitted by July 1st as required under this section. The office of the superintendent of public instruction shall establish guidelines for what a "significant change" is.~~

~~Sec. 2. RCW 28A.165.045 and 2004 c 20 s 5 are each amended to read as follows:~~

~~A participating school district shall ~~((annually))~~ submit a program plan to the office of the superintendent of public instruction for approval to the extent required by RCW 28A.165.025. The program plan must address all of the elements in RCW 28A.165.025 and identify the program activities to be implemented from RCW 28A.165.035.~~

~~School districts achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW shall have their program approved once the program plan and activities submittal is completed.~~

~~School districts not achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW and that are not in a state or federal program of school improvement shall be subject to program approval once the plan components are reviewed by the office of the superintendent of public instruction for the purpose of receiving technical assistance in the final development of the plan.~~

School districts with one or more schools in a state or federal program of school improvement shall have their plans and activities reviewed and approved in conjunction with the state or federal program school improvement program requirements.

~~Sec. 3. RCW 28A.210.010 and 1971 c 32 s 1 are each amended to read as follows:~~

~~The state board of health, after consultation with the superintendent of public instruction, shall adopt reasonable rules ~~((and regulations))~~ regarding the presence of persons on or about any school premises who have, or who have been exposed to, contagious diseases deemed by the state board of health as dangerous to the public health. Such rules ~~((and regulations))~~ shall specify reasonable and precautionary procedures as to such presence and/or readmission of such persons and may include the requirement for a certificate from a licensed physician that there is no danger of contagion. The superintendent of public instruction shall ~~((print and distribute the))~~ provide to appropriate school officials and personnel, access and notice of these rules ~~((and regulations))~~ of the state board of health ~~((above provided to appropriate school officials and personnel))~~. Providing online access to these rules satisfies the requirements of this section. The superintendent of public instruction is required to provide this notice only when there are significant changes to the rules.~~

~~Sec. 4. RCW 28A.210.020 and 1971 c 32 s 2 are each amended to read as follows:~~

~~(1) Every board of school directors shall have the power, and it shall be its duty to provide for and require screening for the visual and auditory acuity of all children attending schools in their districts to ascertain which if any of such children have defects sufficient to retard them in their studies. Auditory and visual screening shall be made in accordance with procedures and standards adopted by rule or regulation of the state board of health. Prior to the adoption or revision of such rules or regulations the state board of health shall seek the recommendations of the superintendent of public instruction regarding the administration of visual and auditory screening and the qualifications of persons competent to administer such screening.~~

~~(2) Except to the extent necessary to comply with the federal individuals with disabilities education act (IDEA) or to serve children who are eligible for free or reduced-price lunch, this section is suspended until July 1, 2011.~~

~~Sec. 5. RCW 28A.210.030 and 1991 c 3 s 289 are each amended to read as follows:~~

~~(1) The person or persons completing the screening prescribed in RCW 28A.210.020 shall promptly prepare a record of the screening of each child found to have, or suspected of having, reduced visual and/or auditory acuity in need of attention, including the special education services provided by RCW 28A.155.010 through 28A.155.100, and send copies of such records and recommendations to the parents or guardians of such children and shall deliver the original records to the appropriate school official who shall preserve such records and forward to the superintendent of public instruction and the secretary of health visual and auditory data as requested by such officials.~~

~~(2) Except to the extent necessary to comply with the federal individuals with disabilities education act (IDEA) or to serve children who are eligible for free or reduced-price lunch, this section is suspended until July 1, 2011.~~

~~Sec. 6. RCW 28A.210.040 and 1990 c 33 s 189 are each amended to read as follows:~~

~~The superintendent of public instruction shall ~~((print and distribute))~~ provide access to appropriate school officials the rules ~~((and regulations))~~ adopted by the state board of health pursuant to RCW 28A.210.020 and the recommended records and forms to be used in making and reporting such screenings.~~

Providing online access to the materials satisfies the requirements of this section.

**Sec. 7.** RCW 28A.210.080 and 2007 c 276 s 1 are each amended to read as follows:

(1) The attendance of every child at every public and private school in the state and licensed day care center shall be conditioned upon the presentation before or on each child's first day of attendance at a particular school or center, of proof of either (a) full immunization, (b) the initiation of and compliance with a schedule of immunization, as required by rules of the state board of health, or (c) a certificate of exemption as provided for in RCW 28A.210.090. The attendance at the school or the day care center during any subsequent school year of a child who has initiated a schedule of immunization shall be conditioned upon the presentation of proof of compliance with the schedule on the child's first day of attendance during the subsequent school year. Once proof of full immunization or proof of completion of an approved schedule has been presented, no further proof shall be required as a condition to attendance at the particular school or center.

(2)(a) Beginning with sixth grade entry, every public and private school in the state shall provide parents and guardians with access to information about meningococcal disease and its vaccine at the beginning of every school year. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. The information about meningococcal disease shall include:

(i) Its causes and symptoms, how meningococcal disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for meningococcal disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide meningococcal vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of superintendent of public instruction.

(d) This subsection does not create a private right of action.

(3)(a) Beginning with sixth grade entry, every public school in the state shall provide parents and guardians with access to information about human papillomavirus disease and its vaccine at the beginning of every school year. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. The information about human papillomavirus disease shall include:

(i) Its causes and symptoms, how human papillomavirus disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for human papillomavirus disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide human papillomavirus vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of the superintendent of public instruction.

(d) This subsection does not create a private right of action.

(4) Private schools are required by state law to notify parents that information on the human papillomavirus disease prepared by the department of health is available.

**Sec. 8.** RCW 28A.225.005 and 1992 c 205 s 201 are each

amended to read as follows:

Each school within a school district shall inform the students and the parents of the students enrolled in the school about the compulsory education requirements under this chapter. The school shall ~~((distribute))~~ provide access to the information at least annually. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

**Sec. 9.** RCW 28A.225.290 and 1990 1st ex.s. c 9 s 207 are each amended to read as follows:

(1) The superintendent of public instruction shall prepare and annually ~~((distribute an))~~ provide access to information ((booklet)) outlining parents' and guardians' enrollment options for their children. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

(2) ~~((Before the 1991-92 school year, the booklet shall be distributed to all school districts by the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries))~~ School districts shall provide access to the information in this section to the public. Providing online access to the information satisfies the requirements of this subsection unless a parent or guardian specifically requests the information to be provided in written form.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, 28A.175.090, 28A.340.010 through 28A.340.070 (small high school cooperative projects), and 28A.335.160.

(b) Information about the running start - community college or vocational-technical institute choice program under RCW 28A.600.300 through ~~((28A.600.395))~~ 28A.600.390; and

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090.

**Sec. 10.** RCW 28A.225.300 and 1990 1st ex.s. c 9 s 208 are each amended to read as follows:

Each school district board of directors annually shall inform parents of the district's intradistrict and interdistrict enrollment options and parental involvement opportunities. Information on intradistrict enrollment options and interdistrict acceptance policies shall be provided to nonresidents on request. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

**Sec. 11.** RCW 28A.230.095 and 2006 c 113 s 2 are each amended to read as follows:

(1) By the end of the 2008-09 school year, school districts shall have in place in elementary schools, middle schools, and high schools assessments or other strategies to assure that students have an opportunity to learn the essential academic learning requirements in social studies, the arts, and health and fitness. Social studies includes history, geography, civics, economics, and social studies skills. Beginning with the 2008-09 school year, school districts shall annually submit an implementation verification report to the office of the superintendent of public instruction. The verification report shall require school districts to report only the information necessary to comply with this section.

(2) Beginning with the 2008-09 school year, school districts shall require students in ~~((the fourth or fifth grades [grade]))~~ the seventh or eighth ~~((grades [grade]))~~ grade, and the eleventh or twelfth ~~((grades [grade]))~~ grade to each complete at least one classroom-based assessment in civics. Beginning with the 2010-



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11 school year, school districts shall require students in the fourth or fifth grade to each complete at least one classroom-based assessment in civics. The civics assessment may be selected from a list of classroom-based assessments approved by the office of the superintendent of public instruction. Beginning with the 2008-09 school year, school districts shall annually submit implementation verification reports to the office of the superintendent of public instruction documenting the use of the classroom-based assessments in civics. The verification report shall require school districts to report only the information necessary to comply with this section.

**Sec. 12.** RCW 28A.230.125 and 2006 c 263 s 401 and 2006 c 115 s 6 are each reenacted and amended to read as follows:

(1) The superintendent of public instruction, in consultation with the higher education coordinating board, the state board for community and technical colleges, and the workforce training and education coordinating board, shall develop for use by all public school districts a standardized high school transcript. The superintendent shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include a notation of whether the student has earned a certificate of individual achievement or a certificate of academic achievement.

~~((3) Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment.))~~

**Sec. 13.** RCW 28A.300.040 and 2006 c 263 s 104 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state;

(2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools;

(3) To prepare and have printed such forms, registers, courses of study, rules for the government of the common schools, and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents;

(4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, and of consulting educational service district superintendents or other school officials;

(5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system and which shall be sold at approximate actual cost of publication and distribution per volume to all other public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be

transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount. This subsection is suspended until July 1, 2011;

(6) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to;

(7) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager, or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct;

(8) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state;

(9) To issue certificates as provided by law;

(10) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education;

(11) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction;

(12) To administer oaths and affirmations in the discharge of the superintendent's official duties;

(13) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office;

(14) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;

(15) To promote the adoption of school-based curricula and policies that provide quality, daily physical education for all students, and to encourage policies that provide all students with opportunities for physical activity outside of formal physical education classes;

(16) To perform such other duties as may be required by law.

**Sec. 14.** RCW 28A.300.118 and 2000 c 126 s 1 are each amended to read as follows:

(1) Beginning with the ~~((2000-01))~~ 2011-12 school year, the superintendent of public instruction shall notify senior high schools and any other public school that includes ninth grade of the names and contact information of public and private entities offering programs leading to college credit, including information about online advanced placement classes, if the superintendent has knowledge of such entities and if the cost of reporting these entities is minimal.

(2) Beginning with the ~~((2000-01))~~ 2011-12 school year, each senior high school and any other public school that includes ninth grade shall publish annually and deliver to each parent with children enrolled in ninth through twelfth grades, information concerning the entrance requirements and the

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availability of programs in the local area that lead to college credit, including classes such as advanced placement, running start, tech-prep, skill centers, college in the high school, and international baccalaureate programs. The information may be included with other information the school regularly mails to parents. In addition, each senior high school and any other public school that includes ninth grade shall enclose information of the names and contact information of other public or private entities offering such programs, including online advanced placement programs, to its ninth through twelfth grade students if the school has knowledge of such entities.

**Sec. 15.** RCW 28A.300.525 and 2008 c 297 s 2 are each amended to read as follows:

(1) The superintendent of public instruction shall provide an annual aggregate report to the legislature on the educational experiences and progress of students in children's administration out-of-home care. This data should be disaggregated in the smallest units allowable by law that do not identify an individual student, in order to learn which school districts are experiencing the greatest success and challenges in achieving quality educational outcomes with students in children's administration out-of-home care.

(2) This section is suspended until July 1, 2011.

**Sec. 16.** RCW 28A.320.160 and 2005 c 274 s 244 are each amended to read as follows:

School districts must, at the first opportunity but in all cases within forty-eight hours of receiving a report alleging sexual misconduct by a school employee, notify the parents of a student alleged to be the victim, target, or recipient of the misconduct. School districts ~~(shall)~~ may provide parents with information regarding their rights under the public records act, chapter 42.56 RCW, to request the public records regarding school employee discipline. This information shall be provided to ~~(the)~~ (an) parents ~~(on an annual basis)~~ upon their request.

**Sec. 17.** RCW 28A.320.165 and 2001 c 333 s 4 are each amended to read as follows:

Schools as defined in RCW 17.21.415 shall provide online notice of pesticide use to parents or guardians of students and employees pursuant to chapter 17.21 RCW, and shall provide written notice upon the request of the parent or guardian.

**Sec. 18.** RCW 28A.320.180 and 2007 c 396 s 11 are each amended to read as follows:

(1) Subject to funding appropriated for this purpose and beginning in the fall of 2009, school districts shall provide all high school students enrolled in the district the option of taking the mathematics college readiness test developed under RCW 28B.10.679 once at no cost to the students. Districts shall encourage, but not require, students to take the test in their junior or senior year of high school.

(2) Subject to funding appropriated for this purpose, the office of the superintendent of public instruction shall reimburse each district for the costs incurred by the district in providing students the opportunity to take the mathematics placement test.

(3) This section is suspended until July 1, 2011.

**Sec. 19.** RCW 28A.600.160 and 1998 c 225 s 2 are each amended to read as follows:

Any middle school, junior high school, or high school using educational pathways shall ensure that all participating students will continue to have access to the courses and instruction necessary to meet admission requirements at baccalaureate institutions. Students shall be allowed to enter the educational pathway of their choice. Before accepting a student into an educational pathway, the school shall inform the student's parent of the pathway chosen, the opportunities available to the student through the pathway, and the career objectives the student will have exposure to while pursuing the pathway. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically request information to be provided in written form. Parents and

students dissatisfied with the opportunities available through the selected educational pathway shall be provided with the opportunity to transfer the student to any other pathway provided in the school. Schools may not develop educational pathways that retain students in high school beyond the date they are eligible to graduate, and may not require students who transfer between pathways to complete pathway requirements beyond the date the student is eligible to graduate. Educational pathways may include, but are not limited to, programs such as work-based learning, school-to-work transition, tech prep, vocational-technical education, running start, and preparation for technical college, community college, or university education.

**Sec. 20.** RCW 28A.655.061 and 2008 c 321 s 2 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or 28A.655.0611, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning no later than with the graduating class of 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement. The state board of education may adopt a rule that implements the requirements of this subsection (4) beginning with a graduating class before the graduating class of 2013, if the state board of education adopts the rule by September 1st of the freshman school year of the graduating class to which the requirements of this subsection (4) apply. The state board of education's authority under this subsection (4) does not alter the requirement that any change in performance standards for the tenth grade assessment must comply with RCW 28A.305.130.

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(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the ~~((scholastic assessment test~~ SAT(~~†~~)) or the ~~((American college test~~ ACT(~~†~~)) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) Until August 31, 2008, a student's score on the mathematics portion of the ~~((preliminary scholastic assessment test~~ PSAT(~~†~~)) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standard for the certificate of academic achievement. The state board of education shall identify the score students must achieve on the mathematics portion of the PSAT to meet or exceed the state standard in that content area on the Washington assessment of student learning.

(iii) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the

score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the Washington assessment of student learning. A score of three on the AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the Washington assessment of student learning. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the Washington assessment of student learning.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

~~((12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection (12):~~

~~—(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:~~

~~—(i) The student's results on the Washington assessment of student learning;~~

~~—(ii) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;~~

~~—(iii) Any credit deficiencies;~~

~~—(iv) The student's attendance rates over the previous two years;~~

~~—(v) The student's progress toward meeting state and local graduation requirements;~~

~~—(vi) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;~~

~~—(vii) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;~~

~~—(viii) The alternative assessment options available to students under this section and RCW 28A.655.065;~~

~~—(ix) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and~~

~~—(x) Available programs offered through skill centers or community and technical colleges.~~

~~(b) All fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan:~~

~~—(i) The parent or guardian of the student shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any~~

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content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

~~(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.)~~

Sec. 21. RCW 28A.655.075 and 2007 c 396 s 16 are each amended to read as follows:

(1) Within funds specifically appropriated therefor, by December 1, 2008, the superintendent of public instruction shall develop essential academic learning requirements and grade level expectations for educational technology literacy and technology fluency that identify the knowledge and skills that all public school students need to know and be able to do in the areas of technology and technology literacy. The development process shall include a review of current standards that have been developed or are used by other states and national and international technology associations. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the technology essential academic learning requirements.

(a) As used in this section, "technology literacy" means the ability to responsibly, creatively, and effectively use appropriate technology to communicate; access, collect, manage, integrate, and evaluate information; solve problems and create solutions; build and share knowledge; and improve and enhance learning in all subject areas and experiences.

(b) Technology fluency builds upon technology literacy and is demonstrated when students: Apply technology to real-world experiences; adapt to changing technologies; modify current and create new technologies; and personalize technology to meet personal needs, interests, and learning styles.

(2)(a) Within funds specifically appropriated therefor, the superintendent shall obtain or develop education technology assessments that may be administered in the elementary, middle, and high school grades to assess the essential academic learning requirements for technology. The assessments shall be designed to be classroom or project-based so that they can be embedded in classroom instruction and be administered and scored by school staff throughout the regular school year using consistent scoring criteria and procedures. By the 2010-11 school year, these assessments shall be made available to school districts for the districts' voluntary use. If a school district uses the assessments created under this section, then the school district shall notify the superintendent of public instruction of the use. The superintendent shall report annually to the legislature on the number of school districts that use the assessments each school year.

(b) Beginning December 1, 2010, and annually thereafter, the superintendent of public instruction shall provide a report to the relevant legislative committees regarding the use of the assessments.

(3) This section is suspended until July 1, 2011.

Sec. 22. RCW 17.21.415 and 2001 c 333 s 3 are each amended to read as follows:

(1) As used in this section, "school" means a licensed day care center or a public kindergarten or a public elementary or secondary school.

(2) A school shall provide online notification, or written notification ~~((annually or upon enrollment))~~ upon request, to parents or guardians of students and employees describing the school's pest control policies and methods, including the posting and notification requirements of this section.

(3) A school shall establish a notification system that, as a minimum, notifies interested parents or guardians of students and employees at least forty-eight hours before a pesticide application to a school facility. The notification system shall include posting of the notification in a prominent place in the main office of the school.

(4) All notifications to parents, guardians, and employees shall include the heading "Notice: Pesticide Application" and, at a minimum, shall state:

- (a) The product name of the pesticide to be applied;
- (b) The intended date and time of application;
- (c) The location to which the pesticide is to be applied;
- (d) The pest to be controlled; and
- (e) The name and phone number of a contact person at the school.

(5) A school facility application must be made within forty-eight hours following the intended date and time stated in the notification or the notification process shall be repeated.

(6) A school shall, at the time of application, post notification signs for all pesticide applications made to school facilities unless the application is otherwise required to be posted by a certified applicator under the provisions of RCW 17.21.410(1)(d).

(a) Notification signs for applications made to school grounds by school employees shall be placed at the location of the application and at each primary point of entry to the school grounds. The signs shall be a minimum of four inches by five inches and shall include the words: "THIS LANDSCAPE HAS BEEN RECENTLY SPRAYED OR TREATED WITH PESTICIDES BY YOUR SCHOOL" as the headline and "FOR MORE INFORMATION PLEASE CALL" as the footer. The footer shall provide the name and telephone number of a contact person at the school.

(b) Notification signs for applications made to school facilities other than school grounds shall be posted at the location of the application. The signs shall be a minimum of eight and one-half by eleven inches and shall include the heading "Notice: Pesticide Application" and, at a minimum, shall state:

- (i) The product name of the pesticide applied;
- (ii) The date and time of application;
- (iii) The location to which the pesticide was applied;
- (iv) The pest to be controlled; and
- (v) The name and phone number of a contact person at the school.

(c) Notification signs shall be printed in colors contrasting to the background.

(d) Notification signs shall remain in place for at least twenty-four hours from the time the application is completed. In the event the pesticide label requires a restricted entry interval greater than twenty-four hours, the notification sign shall remain in place consistent with the restricted entry interval time as required by the label.

(7) A school facility application does not include the application of antimicrobial pesticides or the placement of insect or rodent baits that are not accessible to children.

(8) The prenotification requirements of this section do not apply if the school facility application is made when the school is not occupied by students for at least two consecutive days after the application.

(9) The prenotification requirements of this section do not apply to any emergency school facility application for control of any pest that poses an immediate human health or safety threat, such as an application to control stinging insects. When an emergency school facility application is made, notification consistent with the school's notification system shall occur as soon as possible after the application. The notification shall include information consistent with subsection (6)(b) of this section.

(10) A school shall make the records of all pesticide applications to school facilities required under this chapter, including an annual summary of the records, readily accessible to interested persons.

(11) A school is not liable for the removal of signs by unauthorized persons. A school that complies with this section

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may not be held liable for personal property damage or bodily injury resulting from signs that are placed as required.

**NEW SECTION. Sec. 23.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed:

(1) RCW 28A.210.130 (Immunization program--Superintendent of public instruction to provide information) and 1990 c 33 s 197 & 1985 c 49 s 4;

(2) RCW 28A.220.050 (Information on proper use of left-hand lane) and 1986 c 93 s 4;

(3) RCW 28A.220.080 (Information on motorcycle awareness) and 2007 c 97 s 4 & 2004 c 126 s 1;

(4) RCW 28A.220.085 (Information on driving safely among bicyclists and pedestrians) and 2008 c 125 s 4; and

(5) RCW 28A.300.412 (Washington civil liberties public education program--Report) and 2000 c 210 s 6.

**NEW SECTION. Sec. 24.** Sections 4, 5, 13, 15, 18, and 21 of this act expire July 1, 2011.

**NEW SECTION. Sec. 25.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Hobbs spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hobbs and others to Substitute Senate Bill No. 5889.

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

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "system;" strike the remainder of the title and insert "amending RCW 28A.165.025, 28A.165.045, 28A.210.010, 28A.210.020, 28A.210.030, 28A.210.040, 28A.210.080, 28A.225.005, 28A.225.290, 28A.225.300, 28A.230.095, 28A.300.040, 28A.300.118, 28A.300.525, 28A.320.160, 28A.320.165, 28A.320.180, 28A.600.160, 28A.655.061, 28A.655.075, and 17.21.415; reenacting and amending RCW 28A.230.125; repealing RCW 28A.210.130, 28A.220.050, 28A.220.080, 28A.220.085, and 28A.300.412; providing an expiration date; and declaring an emergency."

#### MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute Senate Bill No. 5889 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5889.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5889 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens,

Swecker, Tom and Zarelli

Voting nay: Senator Murray

Excused: Senators Parlette and Rockefeller

ENGROSSED SUBSTITUTE SENATE BILL NO. 5889, 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. 5890, by Senators McDermott, McAuliffe, Oemig and Hobbs

Providing flexibility in the education system.

#### MOTION

On motion of Senator McDermott, Substitute Senate Bill No. 5890 was substituted for Senate Bill No. 5890 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator McDermott moved that the following striking amendment by Senator McDermott and others be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.185.030 and 1984 c 278 s 13 are each amended to read as follows:

Local school districts may establish and operate, either separately or jointly, programs for highly capable students. Such authority shall include the right to employ and pay special instructors and to operate such programs jointly with a public institution of higher education. Local school districts which establish and operate programs for highly capable students shall adopt identification procedures and provide educational opportunities as follows, to the extent funds are available:

(1) In accordance with rules (~~and regulations~~) adopted by the superintendent of public instruction, school districts shall implement procedures for nomination, assessment and selection of their most highly capable students. Nominations shall be based upon data from teachers, other staff, parents, students, and members of the community. Assessment shall be based upon a review of each student's capability as shown by multiple criteria intended to reveal, from a wide variety of sources and data, each student's unique needs and capabilities. Selection shall be made by a broadly based committee of professionals, after consideration of the results of the multiple criteria assessment.

(2) Students selected pursuant to procedures outlined in this section shall be provided, to the extent feasible, an educational opportunity which takes into account each student's unique needs and capabilities and the limits of the resources and program options available to the district, including those options which can be developed or provided by using funds allocated by the superintendent of public instruction for that purpose.

**Sec. 2.** RCW 28A.215.010 and 2006 c 263 s 410 are each amended to read as follows:

The board of directors of any school district shall have the power to establish and maintain preschools and to provide before-and-after-school and vacation care in connection with the common schools of said district located at such points as the board shall deem most suitable for the convenience of the public, for the care and instruction of infants and children residing in said district. The board shall establish such courses, activities, and rules (~~(-and regulations)~~) governing preschools and before-and-after-school care as it may deem best: PROVIDED, That these courses and activities (~~(staff)~~) are encouraged to meet the minimum standard for such preschools as established by the United States department of health,

education and welfare, or its successor agency, and the superintendent of public instruction. Except as otherwise provided by state or federal law, the board of directors may fix a reasonable charge for the care and instruction of children attending such schools. The board may, if necessary, supplement such funds as are received for the superintendent of public instruction or any agency of the federal government, by an appropriation from the general school fund of the district.

**Sec. 3.** RCW 28A.220.030 and 2000 c 115 s 9 are each amended to read as follows:

(1) The superintendent of public instruction is authorized to establish a section of traffic safety education, and through such section shall: Define a "realistic level of effort" required to provide an effective traffic safety education course, establish a level of driving competency required of each student to successfully complete the course, and ensure that an effective statewide program is implemented and sustained, administer, supervise, and develop the traffic safety education program and shall assist local school districts in the conduct of their traffic safety education programs. The superintendent shall adopt necessary rules (~~and regulations~~) governing the operation and scope of the traffic safety education program; and each school district shall submit a report in even-numbered years to the superintendent on the condition of its traffic safety education program: PROVIDED, That the superintendent shall monitor the quality of the program and carry out the purposes of this chapter.

(2) The board of directors of any school district maintaining a secondary school which includes any of the grades 10 to 12, inclusive, may establish and maintain a traffic safety education course. If a school district elects to offer a traffic safety education course and has within its boundaries a private accredited secondary school which includes any of the grades 10 to 12, inclusive, to the extent funds are available, at least one class in traffic safety education shall be given at times other than regular school hours if there is sufficient demand therefor.

(3) The board of directors of a school district, or combination of school districts, may contract with any drivers' school licensed under the provisions of chapter 46.82 RCW to teach the laboratory phase of the traffic safety education course. Instructors provided by any such contracting drivers' school must be properly qualified teachers of traffic safety education under the joint qualification requirements adopted by the superintendent of public instruction and the director of licensing.

(4) The superintendent shall establish a required minimum number of hours of continuing traffic safety education for traffic safety education instructors. The superintendent may phase in the requirement over not more than five years.

(5) By January 1, 2010, the superintendent shall survey districts regarding the impact of the rules and minimum hours of training established under the authority of this section. The superintendent shall revise the rules and minimum hours based on that survey in order to reduce the burden on school districts.

**Sec. 4.** RCW 28A.230.160 and 1990 c 33 s 241 are each amended to read as follows:

During the school week preceding the eleventh day of November of each year, there shall be presented in each common school as defined in RCW 28A.150.020 educational activities suitable to the observance of Veterans' Day.

The responsibility for the preparation and presentation of the activities (~~(approximating at least sixty minutes total)~~) for observance throughout the week shall be with the principal or head teacher of each school building and such program shall embrace topics tending to instill a loyalty and devotion to the institutions and laws of this state and nation.

The superintendent of public instruction and each educational service district superintendent, by advice and suggestion, shall aid in the preparation of these activities if such

aid be solicited.

**Sec. 5.** RCW 28A.230.205 and 2007 c 459 s 3 are each amended to read as follows:

(1) To the extent funds are appropriated or are available for this purpose, the superintendent of public instruction and other members of the partnership created in RCW 28A.300.455 shall make available to school districts the list of identified financial literacy skills and knowledge, instructional materials, assessments, and other relevant information.

(2)(a) Each school district is encouraged to provide its students with an opportunity to master the financial literacy skills and knowledge developed under RCW 28A.300.460.

(b) This subsection is suspended until July 1, 2011.

(3) For the purposes of RCW 28A.300.455(~~;~~) and 28A.300.460(~~;~~) and this section, it is not necessary to evaluate and apply the office of the superintendent of public instruction essential academic learning requirements or to develop grade level expectations.

**Sec. 6.** RCW 28A.300.405 and 2000 c 210 s 4 are each amended to read as follows:

(1) Consistent with the legislative findings in RCW 28A.300.390, the legislature shall establish the Washington civil liberties public education program. The program provides grants for the purpose of establishing a legacy of remembrance as part of a continuing process of recovery from the World War II exclusion and detention of individuals of Japanese ancestry. The program is created to do one or both of the following:

~~((1))~~ (a) Educate the public regarding the history and the lessons of the World War II exclusion, removal, and detention of persons of Japanese ancestry through the development, coordination, and distribution of new educational materials and the development of curriculum materials to complement and augment resources currently available on this subject matter; and

~~((2))~~ (b) Develop videos, plays, presentations, speaker bureaus, and exhibitions for presentation to elementary schools, secondary schools, community colleges, and to other interested parties.

(2) This section is suspended until July 1, 2011.

**Sec. 7.** RCW 28A.300.410 and 2000 c 210 s 5 are each amended to read as follows:

(1) The superintendent of public instruction shall allocate grants under the program established in RCW 28A.300.390 through 28A.300.415 from private donations or within amounts appropriated for this specific purpose. The grants shall be awarded on a competitive basis.

(2) The superintendent of public instruction may contract with independent review panels and establish an advisory panel to evaluate and make recommendations to the superintendent of public instruction based on grant applications.

(3) The superintendent of public instruction shall select grant recipients from applicants who meet all of the following criteria:

(a) The capability to administer and complete the proposed project within specified deadlines and within the specified budget;

(b) The experience, knowledge, and qualifications necessary to conduct quality educational activities regarding the exclusion and detention of Japanese-Americans during World War II;

(c) Projects that relate the Japanese-American exclusion and detention experience with civil rights included in the Declaration of Independence and the Constitution so that this event may be illuminated and understood in order to prevent similar violations of civil rights in the future;

(d) Projects that are designed to maximize the long-term educational impact of this chapter;

(e) Projects that build upon, contribute to, and expand upon the existing body of educational and research materials on the exclusion and detention of Japanese-Americans during World War II; and

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(f) Projects that include the variety of experiences regarding the exclusion and detention of Japanese-Americans and its impact before, during, and after World War II including those Japanese-Americans who served in the military and those who were interned in department of justice camps.

(4) Applicants for grants under the program are encouraged to do each of the following:

(a) Involve former detainees, those excluded from the military area, and their descendants in the development and implementation of projects;

(b) Develop a strategy and plan for raising the level of awareness and understanding among the American public regarding the exclusion and detention of Japanese-Americans during World War II so that the causes and circumstances of this and similar events may be illuminated and understood;

(c) Develop a strategy and plan for reaching the broad, multicultural population through project activities;

(d) Develop local and regional consortia of organizations and individuals engaged in similar educational, research, and development efforts;

(e) Coordinate and collaborate with organizations and individuals engaging in similar educational, research, and development endeavors to maximize the effect of grants;

(f) Utilize creative and innovative methods and approaches in the research, development, and implementation of their projects;

(g) Seek matching funds, in-kind contributions, or other sources of support to supplement their proposal;

(h) Use a variety of media, including new technology, and the arts to creatively and strategically appeal to a broad audience while enhancing and enriching community-based educational efforts;

(i) Include in the grant application, scholarly inquiry related to the variety of experiences and impact of the exclusion and detention of persons of Japanese ancestry during World War II; and

(j) Add relevant materials to or catalogue relevant materials in libraries and other repositories for the creation, publication, and distribution of bibliographies, curriculum guides, oral histories, and other resource directories and supporting the continued development of scholarly work on this subject by making a broad range of archival, library, and research materials more accessible to the American public.

(5) The superintendent of public instruction may adopt other criteria as it deems appropriate for its review of grant proposals. In reviewing projects for funding, scoring shall be based on an evaluation of all application materials including narratives, attachments, support letters, supplementary materials, and other materials that may be requested of applicants.

(6)(a) In the review process, the superintendent of public instruction shall assign the following order of priority to the criteria set forth in subsection (3) of this section:

(i) Subsection (3)(a) through (d) of this section, inclusive, shall be given highest priority; and

(ii) Subsection (3)(e) ~~((through and))~~ and (f) of this section, inclusive, shall be given second priority.

(b) The superintendent of public instruction shall consider the overall breadth and variety of the field of applicants to determine the projects that would best fulfill its program and mission. Final grant awards may be for the full amount of the grant requests or for a portion of the grant request.

(7) The superintendent of public instruction shall determine the types of applicants eligible to apply for grants under this program.

(8) The office may accept gifts, grants, or endowments from public or private sources for the program and may spend any gifts, grants, or endowments or income from public or private sources according to their terms.

(9) Except to the extent private funds are available, this section

is suspended until July 1, 2011.

**Sec. 8.** RCW 28A.300.455 and 2007 c 459 s 1 are each amended to read as follows:

(1) By September 30, 2004, the financial literacy public-private partnership shall adopt a definition of financial literacy to be used in educational efforts.

(2) ~~((By June 30, 2009,))~~ Beginning July 1, 2011, the financial literacy public-private partnership shall identify strategies to increase the financial literacy of public school students in our state. To the extent funds are available, strategies to be considered by the partnership shall include, but not be limited to:

(a) Identifying and making available to school districts:

(i) Important financial literacy skills and knowledge;

(ii) Ways in which teachers at different grade levels may integrate financial literacy in mathematics, social studies, and other course content areas;

(iii) Instructional materials and programs, including schoolwide programs, that include the important financial literacy skills and knowledge;

(iv) Assessments and other outcome measures that schools and communities may use to determine whether students are financially literate; and

(v) Other strategies for expanding and increasing the quality of financial literacy instruction in public schools, including professional development for teachers;

(b) Developing a structure and set of operating principles for the financial literacy public-private partnership to assist interested school districts in improving the financial literacy of their students by providing such things as financial literacy instructional materials and professional development; and

(c) Providing a report to the governor, the house and senate financial institutions and education committees of the legislature, the superintendent of public instruction, the state board of education, and education stakeholder groups, on the results of work of the financial literacy public-private partnership. An interim report shall be submitted to the same parties by June 30, 2007, with a final report by June 30, ~~((2009))~~ 2013.

**Sec. 9.** RCW 28A.320.128 and 2002 c 206 s 1 are each amended to read as follows:

(1) ~~((By September 1, 2003,))~~ Each school district board of directors shall ((adopt a)) have a policy that addresses ((the following issues:

—(a)) procedures for providing notice of threats of violence or harm to the student or school employee who is the subject of the threat. The policy shall define "threats of violence or harm((":

—(b) Procedures for disclosing information that is provided to the school administrators about a student's conduct, including but not limited to the student's prior disciplinary records, official juvenile court records, and history of violence, to classroom teachers, school staff, and school security who, in the judgment of the principal, should be notified; and

—(c) Procedures for determining whether or not any threats or conduct established in the policy may be grounds for suspension or expulsion of the student.

—(2) The superintendent of public instruction, in consultation with educators and representatives of law enforcement, classified staff, and organizations with expertise in violence prevention and intervention, shall adopt a model policy that includes the issues listed in subsection (1) of this section by January 1, 2003. The model policy shall be posted on the superintendent of public instruction's web site. The school districts, in drafting their own policies, shall review the model policy)).

~~((3))~~ (2) School districts, school district boards of directors, school officials, and school employees providing notice in good faith as required and consistent with the board's

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policies adopted under this section are immune from any liability arising out of such notification.

((4)) (3) A person who intentionally and in bad faith or maliciously, knowingly makes a false notification of a threat under this section is guilty of a misdemeanor punishable under RCW 9A.20.021.

NEW SECTION. Sec. 10. The following acts or parts of acts, as now existing or hereafter amended, are each repealed:

(1) RCW 28A.230.150 (Temperance and Good Citizenship Day--Aids in programming) and 1969 ex.s. c 223 s 28A.02.090;

(2) RCW 28A.300.280 (Conflict resolution program) and 1994 sp.s. c 7 s 611; and

(3) RCW 28A.320.185 (School gardens or farms) and 2008 c 215 s 7.

NEW SECTION. Sec. 11. Sections 5 through 7 of this act expire July 1, 2011.

NEW SECTION. Sec. 12. Sections 1 through 10 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Senator McDermott spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator McDermott and others to Substitute Senate Bill No. 5890.

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

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "system;" strike the remainder of the title and insert "amending RCW 28A.185.030, 28A.215.010, 28A.220.030, 28A.230.160, 28A.230.205, 28A.300.405, 28A.300.410, 28A.300.455, and 28A.320.128; repealing RCW 28A.230.150, 28A.300.280, and 28A.320.185; providing an expiration date; and declaring an emergency."

#### MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 5890 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McDermott and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5890.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5890 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senator Murray

Excused: Senators Parlette and Rockefeller

ENGROSSED SUBSTITUTE SENATE BILL NO. 5890, having received the constitutional majority, was declared

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 2:51 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:30 p.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 5248, by Senators Hobbs, King, McAuliffe, Brown, Kauffman, Holmquist, Tom, Shin, Hewitt, Brandland, McDermott, Jarrett, Kilmer, Haugen and Roach

Enacting the interstate compact on educational opportunity for military children.

#### MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5248 was substituted for Senate Bill No. 5248 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5248 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5248.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5248 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Absent: Senators Kauffman and Oemig

Excused: Senators Parlette and Rockefeller

SUBSTITUTE SENATE BILL NO. 5248, 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. 5321, by Senators Prentice, Kline, Pflug, Berkey, Shin, Hobbs, McAuliffe, Tom, Keiser, Jarrett and Kauffman

Extending a local sales and use tax that is credited against the state sales and use tax.

#### MOTION

On motion of Senator Prentice, Substitute Senate Bill No. 5321 was substituted for Senate Bill No. 5321 and the substitute bill was placed on the second reading and read the second time.

#### MOTION



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Senator Prentice moved that the following amendment by Senator Prentice be adopted.

On page 2, line 31, after "(3)" strike "(b)" and insert "(a)"

Senator Prentice spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Prentice on page 2, line 31 to Substitute Senate Bill No. 5321.

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

## MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 5321 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5321.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5321 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Carrell, McCaslin, Morton, Pflug and Stevens

Excused: Senators Parlette and Rockefeller

ENGROSSED SUBSTITUTE SENATE BILL NO. 5321, 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. 5484, by Senators Marr, Roach, Keiser, Tom, Hobbs, Kline, Oemig, Franklin, Shin, Kilmer and Kauffman

Concerning developmental screening.

## MOTIONS

On motion of Senator Marr, Second Substitute Senate Bill No. 5484 was substituted for Senate Bill No. 5484 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Second Substitute Senate Bill No. 5484 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5484.

## ROLL CALL

The Secretary called the roll on the final passage of Second

Substitute Senate Bill No. 5484 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Parlette and Rockefeller

SECOND SUBSTITUTE SENATE BILL NO. 5484, 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. 5525, by Senators Carrell, Hargrove, Stevens, Regala, Brandland, Kauffman and McAuliffe

Concerning rental vouchers to allow release from state institutions.

The measure was read the second time.

## MOTION

On motion of Senator Carrell, the rules were suspended, Senate Bill No. 5525 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carrell spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5525.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5525 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 3; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pridemore, Ranker, Regala, Roach, Schoesler, Shin, Stevens, Swecker and Zarelli

Voting nay: Senators Pflug and Sheldon

Absent: Senators Brown, Prentice and Tom

Excused: Senators Parlette and Rockefeller

SENATE BILL NO. 5525, 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. 5719, by Senators Swecker and Brown

Modifying title and registration requirements for kit vehicles.

## MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5719 was substituted for Senate Bill No. 5719 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5719 was advanced to third reading,

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the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

## MOTION

On motion of Senator Marr, Senators Brown, Prentice and Tom were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5719.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5719 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senator Fraser

Excused: Senators Brown, Parlette, Prentice, Rockefeller and Tom

SUBSTITUTE SENATE BILL NO. 5719, 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. 5529, by Senators Jarrett and King

Regarding architects.

## MOTION

On motion of Senator Jarrett, Substitute Senate Bill No. 5529 was substituted for Senate Bill No. 5529 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Marr moved that the following amendment by Senators Marr and Jarrett be adopted.

On page 5, line 16, after "board;" strike "((or))" and insert "or"

On page 5, beginning on line 17, after "Have" strike all material through "board" on line 35, and insert "eight years' practical architectural work experience, which may include designing buildings as a principal activity, and have completed the requirements of a structured intern training program approved by the board. Each year spent in an accredited architectural education program approved by the board shall be considered one year of practical experience. At least four years' practical work experience shall be under the direct supervision of a registered architect and include completing the requirements of a structured intern training program approved by the board. An applicant may receive up to four years of practical architectural work experience for post-secondary education courses in architecture, architectural technology, or a related field,

including courses completed in a community or technical college, if the courses are equivalent to education courses in an accredited architectural degree program"

Senator Marr spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Marr and Jarrett on page 5, line 16 to Substitute Senate Bill No. 5529.

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

## MOTION

On motion of Senator Jarrett, the rules were suspended, Engrossed Substitute Senate Bill No. 5529 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

## REMARKS BY THE PRESIDENT

President Owen: " 'Mr. Speaker.'? I have the twelve years to be called 'Mr. President.'"

## PERSONAL PRIVILEGE

Senator Jarrett: "I apologize for misapprehending the presiding officer. Please accept my apologies."

## REPLY BY THE PRESIDENT

President Owen: "It's quite all right."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5529.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5529 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senators Holmquist and Honeyford

Excused: Senators Brown, Parlette, Prentice, Rockefeller and Tom

ENGROSSED SUBSTITUTE SENATE BILL NO. 5529, 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. 6104, by Senators Prentice and Tom

Addressing state agency hours of operation.

The measure was read the second time.

## MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 6104 was advanced to third reading, the second

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reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6104.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6104 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Brown, Parlette, Prentice, Rockefeller and Tom

SENATE BILL NO. 6104, 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. 5957, by Senators Jacobsen and Fraser

Regarding the department of natural resources' authority for transactions involving certain commercial lands, natural resource lands, or forest lands at risk of development.

#### MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5957 was substituted for Senate Bill No. 5957 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5957 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5957.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5957 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 7; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Pridemore, Ranker, Regala, Roach, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senators Becker, Brandland, Carrell, Hewitt, Holmquist, Honeyford and Schoesler

Excused: Senators Brown, Parlette, Prentice, Rockefeller and Tom

SUBSTITUTE SENATE BILL NO. 5957, 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

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SENATE BILL NO. 5779, by Senators McAuliffe, Hobbs, Jarrett and Tom

Regarding adoption of school environmental health and safety rules.

#### MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5779 was substituted for Senate Bill No. 5779 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5779 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, King and Brandland spoke in favor of passage of the bill.

Senators Jacobsen and Oemig spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5779.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5779 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Pflug, Prentice, Pridemore, Ranker, Regala, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Franklin, Fraser, Jacobsen, Kastama, Kauffman, Oemig and Roach

Excused: Senators Parlette and Rockefeller

SUBSTITUTE SENATE BILL NO. 5779, 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 Marr, Senators Brown, Prentice and Tom were excused.

#### SECOND READING

SENATE BILL NO. 5509, by Senators Marr, Kauffman and Shin

Clarifying rental car company charges, surcharges, and fees to be included in rental car agreements.

#### MOTIONS

On motion of Senator Marr, Substitute Senate Bill No. 5509 was substituted for Senate Bill No. 5509 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Substitute Senate Bill No. 5509 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5509.

#### ROLL CALL

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The Secretary called the roll on the final passage of Substitute Senate Bill No. 5509 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Pridemore, Ranker, Regala, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senators Brown, Parlette, Prentice, Rockefeller and Tom

SUBSTITUTE SENATE BILL NO. 5509, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 6:00 p.m., on motion of Senator Eide, the Senate was recessed until 7:00 p.m.

#### EVENING SESSION

The Senate was called to order at 7:00 p.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 5380, by Senators McCaslin and Marr

Addressing the statute of limitations for certain crimes.

#### MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5380 was substituted for Senate Bill No. 5380 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5380 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and McCaslin spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Brandland, Senators Benton, Parlette and Stevens were excused.

#### MOTION

On motion of Senator Marr, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5380.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5380 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens,

Swecker, Tom and Zarelli

Absent: Senators Jacobsen and Jarrett

Excused: Senator Parlette

SUBSTITUTE SENATE BILL NO. 5380, 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. 5179, by Senator Haugen

Concerning the revaluation of property impacted by government restrictions.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5179 was substituted for Senate Bill No. 5179 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5179.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5179 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Hatfield and Pridemore

Excused: Senator Parlette

SUBSTITUTE SENATE BILL NO. 5179, 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.

#### REMARKS BY THE PRESIDENT

President Owen: "Ladies and gentlemen of the Senate. The President has an announcement he'd like to make to you all this evening. In the spirit of the hard work that you're doing and the fact that you're here so late, the President is providing a treat for you this evening, if these girls would come out, and I am actually going to suspend my rule of decorum on eating on the floor and allow you to have some Girl Scout cookies this evening. So, if the girls would come out, you can help yourself. And while there are a couple of sugar-free. I don't know where they are. Do the girls know where the sugar free are? The President would like to make another announcement, if you'd mind. These girls, Girl Scouts started a new program called Operation Cookie Drop. Operation Cookie Drop is a program that allows cookie customers to purchase Girl Scout cookies and donate them to the U. S. military personnel. The local Girl Scout Council collects the donated cookies from each troop and gives them to military bases and the Puget Sound USO to distribute to all branches of the military. Last year this Council collected more than seventy-two thousand boxes of donated cookies. The

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last day for cookie sales will be Sunday, March 15. The President has made arrangements just to store some of these Girl Scout cookies that, if anybody wants to go in, not that I can or can't encourage you or tell you to buy any or anything like that, but there will be some. If you want to talk to those girls about how to go about buying them or anything, that's your business, you know. They will be in the Democratic Caucus or you need some for your office or you know for yourselves or whatever. Let me introduce these magnificent young ladies from Troop 41568. From Lacey, Kendrin Dick who's a cadet; Katy Berand, who is a junior; their leaders are Jill Dick and Mel Berand. The troop from Lacey is Janice Ramsey and Natalie Ramsey and their leader is Elaine Ramsey; troop from Lacey, Katelyn Groves is a cadet and leader Heather Groves, Service Unit 623 Manager is Pam Luhr. I should note that Senator Fraser helped me make these arrangements so enjoy."

#### PARLIAMENTARY INQUIRY

Senator McCaslin: "What time does the milk get here?"

#### PERSONAL PRIVILEGE

Senator Brandland: "These with coffee would go really nicely with these cookies."

#### SECOND READING

SENATE BILL NO. 5571, by Senators Oemig and Kohl-Welles

Requiring the use of electronic methods for taxes administered by the department of revenue, including filing of taxes, payment of taxes, assessment of taxes, and other taxpayer information.

#### MOTIONS

On motion of Senator Oemig, Substitute Senate Bill No. 5571 was substituted for Senate Bill No. 5571 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Oemig, the rules were suspended, Substitute Senate Bill No. 5571 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5571.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5571 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Parlette

SUBSTITUTE SENATE BILL NO. 5571, 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

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SENATE BILL NO. 5680, by Senators Jarrett, Zarelli, Shin, Kohl-Welles and Oemig

Modifying the property tax exemption for nonprofit artistic, scientific, historical, and performing arts organizations.

The measure was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5680 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5680.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5680 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Parlette

SENATE BILL NO. 5680, 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. 6024, by Senators Brandland, Hargrove, McAuliffe, Stevens and Carrell

Addressing applications for public assistance from persons currently ineligible to receive assistance.

#### MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 6024 was substituted for Senate Bill No. 6024 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brandland, the rules were suspended, Substitute Senate Bill No. 6024 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6024.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6024 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler,

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Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Parlette

SUBSTITUTE SENATE BILL NO. 6024, 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. 5987, by Senators Regala, Hargrove and Shin

Authorizing the Washington state department of corrections to develop training for corrections personnel.

## MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5987 was substituted for Senate Bill No. 5987 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5987 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5987.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5987 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Parlette

SUBSTITUTE SENATE BILL NO. 5987, 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. 6088, by Senators Fraser, Swecker, Haugen, Eide, Marr, Sheldon, Berkey, Benton and Shin

Addressing commute trip reduction for state agencies.

## MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6088 was substituted for Senate Bill No. 6088 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6088 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 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, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator Parlette

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.

## SECOND READING

SENATE BILL NO. 5840, by Senators Marr, Honeyford, Rockefeller, Holmquist, Hatfield, Parlette, Ranker, Morton, Sheldon, Jarrett, Delvin and Hewitt

Modifying the energy independence act.

## MOTION

On motion of Senator Marr, Substitute Senate Bill No. 5840 was substituted for Senate Bill No. 5840 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Marr moved that the following striking amendment by Senators Marr and Brown be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.285.020 and 2007 c 1 s 2 are each amended to read as follows:

Increasing energy conservation and the use of appropriately sited renewable energy facilities builds on the strong foundation of low-cost renewable hydroelectric generation in Washington state and will promote energy independence in the state and the Pacific Northwest region. It shall be the policy of the state to recognize and promote the use of low-cost renewable hydroelectric generation to firm, shape, and integrate other renewable energy resources into the northwestern electric grid for delivery to Washington residents. Making the most of our plentiful local resources will stabilize electricity prices for Washington residents, provide economic benefits for Washington counties and farmers, create high-quality jobs in Washington, provide opportunities for training apprentice workers in the renewable energy field, protect clean air and water, and position Washington state as a national leader in clean energy technologies.

Sec. 2. RCW 19.285.030 and 2007 c 1 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for qualifying utilities under its jurisdiction that are not investor-owned utilities; or (b) an independent auditor selected by a qualifying utility that is not under the jurisdiction of the state auditor and is not an investor-owned utility.

(3) "Commission" means the Washington state utilities and transportation commission.

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(4) "Conservation" means any reduction in electric power consumption resulting from increases in the efficiency of energy use, production, or distribution.

(5) "Cost-effective" has the same meaning as defined in RCW 80.52.030.

(6) "Council" means the Washington state apprenticeship and training council within the department of labor and industries.

(7) "Customer" means a person or entity that purchases electricity for ultimate consumption and not for resale.

(8) "Department" means the department of community, trade, and economic development or its successor.

(9) "Distributed generation" means an eligible renewable resource where the generation facility or any integrated cluster of such facilities has a generating capacity of not more than five megawatts.

(10) "Eligible renewable resource" means:

(a) Electricity from a generation facility powered by a renewable resource other than fresh water, except as provided in (b) and (c) of this subsection, that commences operation after March 31, 1999, where ~~((i))~~ the facility is located ~~((in the Pacific Northwest; or (ii) the electricity from the facility is delivered into Washington state on a real-time basis without shaping, storage, or integration services))~~ within the geographic boundary of the western electricity coordinating council or its successor entity; ~~((or))~~

(b) Incremental electricity produced as a result of efficiency improvements completed after March 31, 1999, to hydroelectric generation ~~((projects owned by a qualifying utility and))~~ facilities located in the Pacific Northwest or to hydroelectric generation in water supply pipes, irrigation pipes ~~((and)), or canals located in the Pacific Northwest, where the additional generation in either case does not result in new water diversions or impoundments; or~~

(c) Twenty-five percent of electricity from a biomass energy powered generation facility located in Washington, and that commenced operation before March 31, 1999.

(11) "Investor-owned utility" has the same meaning as defined in RCW 19.29A.010.

(12) "Load" means the amount of kilowatt-hours of electricity delivered in the most recently completed year by a qualifying utility to its Washington retail customers.

(13) "Nonpower attributes" means all environmentally related characteristics, exclusive of energy, capacity reliability, and other electrical power service attributes, that are associated with the generation of electricity from a renewable resource, including but not limited to the facility's fuel type, geographic location, vintage, qualification as an eligible renewable resource, and avoided emissions of pollutants to the air, soil, or water, and avoided emissions of carbon dioxide and other greenhouse gases. For an anaerobic digester, its nonpower attributes may be separated into avoided emissions of carbon dioxide, and other greenhouse gases, and into renewable energy credits.

(14) "Pacific Northwest" has the same meaning as defined for the Bonneville power administration in section 3 of the Pacific Northwest electric power planning and conservation act (94 Stat. 2698; 16 U.S.C. Sec. 839a).

(15) "Public facility" has the same meaning as defined in RCW 39.35C.010.

(16) "Qualifying utility" means an electric utility, as the term "electric utility" is defined in RCW 19.29A.010, that serves more than twenty-five thousand customers in the state of Washington. The number of customers served may be based on data reported by a utility in form 861, "annual electric utility report," filed with the energy information administration, United States department of energy.

(17) "Renewable energy credit" means a tradable certificate of proof of at least one megawatt-hour of an eligible renewable

resource where the generation facility is not powered by fresh water, the certificate includes all of the nonpower attributes associated with that one megawatt-hour of electricity, and the certificate is verified by a renewable energy credit tracking system selected by the department.

(18) "Renewable resource" means: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or tidal power; (g) gas from sewage treatment facilities; (h) biodiesel fuel as defined in RCW 82.29A.135 that is not derived from crops raised on land cleared from old growth ~~((or first-growth))~~ forests where the clearing occurred after December 7, 2006; ~~((and))~~ (i) byproducts of pulping or wood manufacturing processes that are not derived from old growth forests, including but not limited to bark, wood chips, sawdust, and lignin in spent pulping liquors; (j) wooden demolition or construction debris; black liquors derived from algae and other sources; and (l) biomass energy based on animal waste, food waste, yard waste, biosolids, or solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include (i) wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (ii) ((black liquor byproduct from paper production; (iii)) wood from old growth forests; or ((iv)) (iii) municipal solid waste.

(19) "Rule" means rules adopted by an agency or other entity of Washington state government to carry out the intent and purposes of this chapter.

(20) "Year" means the twelve-month period commencing January 1st and ending December 31st.

Sec. 3. RCW 19.285.040 and 2007 c 1 s 4 are each amended to read as follows:

(1) Each qualifying utility shall pursue all available conservation that is cost-effective, reliable, and feasible.

(a) By January 1, 2010, using methodologies consistent with those used by the Pacific Northwest electric power and conservation planning council in its most recently published regional power plan, each qualifying utility shall identify its achievable cost-effective conservation potential through 2019. At least every two years thereafter, the qualifying utility shall review and update this assessment for the subsequent ten-year period.

(b) ~~((Beginning))~~ By January 1, 2010, each qualifying utility shall establish and make publicly available a biennial acquisition target for cost-effective conservation consistent with its identification of achievable opportunities in (a) of this subsection, and meet that target during the subsequent two-year period. At a minimum, each biennial acquisition target must be no lower than the qualifying utility's pro rata share for that two-year period of its cost-effective conservation potential for the subsequent ten-year period. A qualifying utility may not use incremental electricity produced as a result of efficiency improvements to hydroelectric generation facilities to meet its biennial conservation acquisition target if the improvements were used to meet its targets under subsection (2)(a) of this section.

(c) In meeting its conservation targets, a qualifying utility may count high-efficiency cogeneration owned and used by a retail electric customer to meet its own needs. High-efficiency cogeneration is the sequential production of electricity and useful thermal energy from a common fuel source, where, under normal operating conditions, the facility ~~((has a useful thermal energy output of no less than thirty-three percent of the total energy output))~~ is designed to have a projected overall thermal conversion efficiency of at least seventy percent. For the purposes of this section, "overall thermal conversion efficiency" means the output of electricity plus usable heat divided by fuel input. The reduction in load due to high-efficiency cogeneration shall be ~~((i) Calculated as the ratio of the fuel chargeable to power heat rate of the cogeneration facility compared to the heat~~

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rate on a new and clean basis of a best-commercially available technology combined-cycle natural gas-fired combustion turbine; and (ii)) counted towards meeting the biennial conservation target in the same manner as other production conservation savings.

(d) The commission may determine if a conservation program implemented by an investor-owned utility is cost-effective based on the commission's policies and practice.

(e) The commission may rely on its standard practice for review and approval of investor-owned utility conservation targets.

(2)(a) Each qualifying utility shall use eligible renewable resources ~~((or))~~, acquire equivalent renewable energy credits, or use up to twenty-five percent of conservation achieved in excess of a biennial acquisition target under subsection (1) of this section, or a combination of ~~((both))~~ these options, to meet the following annual targets:

(i) At least three percent of its load by January 1, 2012, and each year thereafter through December 31, ~~((2015))~~ 2013;

(ii) At least four percent of its load by January 1, 2014, and each year thereafter through December 31, 2015;

~~((iii))~~ At least ~~((nine))~~ ten percent of its load by January 1, 2016, and each year thereafter through December 31, 2019;

~~((and~~ ~~((iii)))~~ (iv) At least ~~((fifteen))~~ sixteen percent of its load by January 1, 2020, and each year thereafter through December 31, 2024; and

(v) At least twenty percent of its load by January 1, 2025, and each year thereafter.

(b) A qualifying utility may count distributed generation at double the facility's electrical output if the utility: (i) Owns or has contracted for the distributed generation and the associated renewable energy credits; or (ii) has contracted to purchase the associated renewable energy credits.

(c) In meeting the annual targets in (a) of this subsection, a qualifying utility shall calculate its annual load based on the average of the utility's load for the previous two years.

(d) A qualifying utility is considered in compliance with an annual target in (a) of this subsection if: (i) In any given target year its load growth, measured as load served in the target year compared to the utility's annual average load served in 2010 and 2011, is less than the target in (a) of this subsection for that year; and (ii) the utility meets one hundred percent of any increase in load for that target year with eligible renewable resources or renewable energy credits.

(e) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if: (i) The utility's weather-adjusted load for the previous three years on average did not increase over that time period; (ii) after December 7, 2006, the utility did not commence or renew ownership or incremental purchases of electricity from resources other than renewable resources other than on a daily spot price basis and the electricity is not offset by equivalent renewable energy credits; and (iii) the utility invested at least one percent of its total annual retail revenue requirement that year on eligible renewable resources, renewable energy credits, or a combination of both.

~~((e))~~ (f) The requirements of this section may be met for any given target year with renewable energy credits produced during that year, the preceding year, or the subsequent year. Qualifying utilities may purchase or contract for purchase renewable energy credits in advance of or throughout the target year, the preceding year, or the subsequent year for meeting the requirements of this section. Each renewable energy credit may be used only once to meet the requirements of this section.

~~((f))~~ (g) In complying with the targets established in (a) of this subsection, a qualifying utility may not count:

(i) Eligible renewable resources or distributed generation where the associated renewable energy credits are owned by a

separate entity; ~~((or))~~

(ii) Eligible renewable resources or renewable energy credits obtained for and used in an optional pricing program such as the program established in RCW 19.29A.090; or

(iii) Efficiency improvements to hydroelectric generation facilities whose energy output is marketed by the Bonneville power administration that is attributable to any other utility other than the qualifying utility.

~~((h))~~ (h) Where fossil and combustible renewable resources are cofired in one generating unit located in the Pacific Northwest where the cofiring commenced after March 31, 1999, the unit shall be considered to produce eligible renewable resources in direct proportion to the percentage of the total heat value represented by the heat value of the renewable resources.

~~((i))~~ (i)(i) A qualifying utility that acquires an eligible renewable resource or renewable energy credit may count that acquisition at one and two-tenths times its base value:

(A) Where the eligible renewable resource comes from a facility that commenced operation after December 31, 2005; and  
(B) Where the developer of the facility used apprenticeship programs approved by the council during facility construction.

(ii) The council shall establish minimum levels of labor hours to be met through apprenticeship programs to qualify for this extra credit.

~~((j))~~ (j) A qualifying utility that acquires solar energy may count that acquisition at four times its base value where the energy is produced using solar inverters and modules manufactured in Washington state.

(k) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if events beyond the reasonable control of the utility that could not have been reasonably anticipated or ameliorated prevented it from meeting the renewable energy target. Such events include weather-related damage, mechanical failure, strikes, lockouts, and actions of a governmental authority that adversely affect the generation, transmission, or distribution of an eligible renewable resource under contract to a qualifying utility.

(3) Utilities that become qualifying utilities after December 31, 2006, shall meet the requirements in this section on a time frame comparable in length to that provided for qualifying utilities as of December 7, 2006.

**Sec. 4.** RCW 19.285.070 and 2007 c 1 s 7 are each amended to read as follows:

(1) On or before June 1, 2012, and annually thereafter, each qualifying utility shall report to the department on its progress in the preceding year in meeting the targets established in RCW 19.285.040, including expected electricity savings from the biennial conservation target, expenditures on conservation, actual electricity savings results, the utility's annual load for the prior two years, the amount of megawatt-hours needed to meet the annual renewable energy target, the amount of megawatt-hours of each type of eligible renewable resource acquired, the type and amount of renewable energy credits acquired, and the percent of its total annual retail revenue requirement invested in the incremental cost of eligible renewable resources and the cost of renewable energy credits. ~~((For each year that a qualifying utility elects to demonstrate alternative compliance under RCW 19.285.040(2) (d) or (i) or 19.285.050(1), it must include in its annual report relevant data to demonstrate that it met the criteria in that section.))~~ A qualifying utility may submit its report to the department in conjunction with its annual obligations in chapter 19.29A RCW.

(2) A qualifying utility that is an investor-owned utility shall also report all information required in subsection (1) of this section to the commission, and on or before June 1, 2014, and annually thereafter, report to the commission its compliance in meeting the targets established in RCW 19.285.040. All other qualifying utilities shall also make all information required in



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subsection (1) of this section available to the auditor, and on or before June 1, 2014, and annually thereafter, make available to the auditor its determination of compliance in meeting the targets established in RCW 19.285.040. For each year that a qualifying utility elects to demonstrate alternative compliance under RCW 19.285.040(2) or 19.285.050(1), it must include in its annual report relevant data to demonstrate that it met the criteria in that section.

(3) A qualifying utility shall also make reports required in this section available to its customers.

**Sec. 5.** RCW 19.285.080 and 2007 c 1 s 8 are each amended to read as follows:

(1) The commission may adopt rules to ensure the proper implementation and enforcement of this chapter as it applies to investor-owned utilities.

(2) The department shall adopt rules concerning only process, timelines, and documentation to ensure the proper implementation of this chapter as it applies to qualifying utilities that are not investor-owned utilities. Those rules include, but are not limited to, rules associated with a qualifying utility's development of conservation targets under RCW 19.285.040(1); a qualifying utility's decision to pursue alternative compliance in RCW 19.285.040(2) ~~((†))~~ (e) or ~~((†))~~ (k) or 19.285.050(1); and the format and content of reports required in RCW 19.285.070. Nothing in this subsection may be construed to restrict the rate-making authority of the commission or a qualifying utility as otherwise provided by law.

(3) The commission and department may coordinate in developing rules related to process, timelines, and documentation that are necessary for implementation of this chapter.

(4)(a) Pursuant to the administrative procedure act, chapter 34.05 RCW, rules needed for the implementation of this chapter must be adopted by ~~((December 31, 2007))~~ June 30, 2010. These rules may be revised as needed to carry out the intent and purposes of this chapter.

(b) Within six months of the adoption by the Pacific Northwest electric power and conservation planning council of each of its regional power plans, the department shall initiate rule making to consider adopting any changes in methodologies used by the Pacific Northwest electric power and conservation planning council that would impact a qualifying utility's conservation potential assessment in accordance with RCW 19.285.040(1).

(c) Within six months of the adoption by the Pacific Northwest electric power and conservation planning council of each of its regional power plans, the commission shall initiate rule making to consider adopting any changes in methodologies used by the Pacific Northwest electric power and conservation planning council that would impact a qualifying utility's conservation potential assessment in accordance with RCW 19.285.040(1).

(d) Rules adopted under (b) and (c) of this subsection must be applied to the next biennial target that begins at least six months after the adoption date of the rules.

(e) The department shall report to the legislature by December 1, 2009, with recommendations on implementing the state's policy of recognizing and promoting the use of low-cost hydroelectric generation to firm, shape, and integrate other renewable energy resources into the northwestern electric grid for delivery to Washington residents. The report must include recommendations for promoting hydroelectric generation based upon the economic and environmental benefits of using hydroelectric generation in place of fossil fuel-fired generation for integration services. The report must include results from existing studies and analyses from the Pacific Northwest electric power and conservation planning council, the Bonneville power administration, and other relevant organizations. The department shall also consider information and recommendations from integration service providers and users.

NEW SECTION. **Sec. 6.** The joint legislative audit and review committee shall evaluate the feed-in tariff program contemplated in Substitute House Bill No. 1086 (2009). The evaluation shall include comparisons of the feed-in tariff program with the energy independence act, chapter 19.285 RCW, the net-metering program in chapter 80.60 RCW, and the renewable energy cost recovery program in chapter 82.16 RCW. In making the comparisons, the following factors must be examined: (1) the effectiveness of each program in encouraging the deployment of renewable energy systems; and (2) the effect of each program on ratepayers. The evaluation is due December 1, 2010."

Senator Marr spoke in favor of adoption of the striking amendment.

#### MOTION

Senator Delvin moved that the following amendment by Senator Delvin and others to the striking amendment be adopted.

On page 2, line 32 of the amendment, after "impoundments;" strike "or"

On page 2, line 35 of the amendment, after "1999" insert ";

(d) Electricity from existing hydroelectric generation facilities located in Washington with a rated capacity of thirty megawatts or less and owned by a qualifying utility or joint operating agency formed under RCW 43.52.360"

Senators Delvin and Sheldon spoke in favor of adoption of the amendment to the striking amendment.

Senator Marr spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Delvin and others on page 2, line 32 to the striking amendment to Substitute Senate Bill No. 5840.

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

#### MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 2, line 32 of the amendment, after "impoundments;" strike "or"

On page 2, line 35 of the amendment, after "1999" insert ";

(d) Up to fifty megawatts of electricity from a generation facility located in the Pacific Northwest that is powered by water and that has been relicensed after 1985 by the federal energy regulatory commission under the federal power act"

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford, the amendment by Senator Honeyford on page 2, line 32 to the striking amendment to Substitute Senate Bill No. 5840 was withdrawn.

#### MOTION

Senator Morton moved that the following amendment by Senator Morton to the striking amendment be adopted.

On page 2, line 32 of the amendment, after "impoundments;" strike "or"

On page 2, line 35 of the amendment, after "1999" insert ";

(d) Electricity produced from an impoundment located in Washington that has not generated electricity with water since

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1990 and that is modified or repowered after the effective date of this section to produce electricity"

Senator Morton spoke in favor of adoption of the amendment to the striking amendment.

Senator Marr spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 2, line 32 to the striking amendment to Substitute Senate Bill No. 5840.

The motion by Senator Morton failed and the amendment to the striking amendment was not adopted by a rising vote.

## MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 2, line 33 of the amendment, before "from" strike "Twenty-five percent of electricity" and insert "Electricity"

Senators Honeyford and Sheldon spoke in favor of adoption of the amendment to the striking amendment.

Senator Marr spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 33 to the striking amendment to Substitute Senate Bill No. 5840.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Honeyford to the striking amendment and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, King, McCaslin, Morton, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Excused: Senator Parlette

## MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 2, line 32 of the amendment, after "1999" insert "; or

(d) Up to fifty megawatts of electricity from a generation facility located in the Pacific Northwest and owned by a qualifying utility or joint operating agency formed under RCW 43.52.360 that is powered by water and that has been relicensed after 1985 by the federal energy regulatory commission under the federal power act"

Senators Honeyford and Stevens spoke in favor of adoption of the amendment to the striking amendment.

Senator Marr spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 32 to the striking amendment to Substitute Senate Bill No. 5840.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Honeyford to the striking amendment and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, King, McCaslin, Morton, Pflug, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller and Tom

Excused: Senator Parlette

## MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist to the striking amendment be adopted.

On page 2, line 32 of the amendment, after "impoundments;" strike "or"

On page 2, line 35 of the amendment, after "1999" insert "; or

(d) Electric generating capacity from a hydroelectric generation project set aside specifically to facilitate eligible renewable resource integration when: (i) The integration provider can provide in-hour generation following and regulating reserve services where such services are identified in a contract or where such services are self-provided to integrate eligible renewable resource generation within the Pacific Northwest; (ii) the integration provider can demonstrate all integration services are provided by hydroelectric generating projects; (iii) the hydroelectric generating capacity made available for integration is limited to the firming requirements of the eligible renewable resource receiving services; and (iv) the generating capacity comes from a nonfederal facility"

Senators Holmquist and Honeyford spoke in favor of adoption of the amendment to the striking amendment.

Senator Marr spoke against adoption of the amendment to the striking amendment.

Senator Holmquist demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 2, line 32 to the striking amendment Substitute Senate Bill No. 5480.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Holmquist to the striking amendment and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, Kastama, King, Kohl-Welles, McCaslin, Morton, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kauffman, Keiser, Kilmer, Kline, Marr, McAuliffe, McDermott,

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Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

19.285.070, and 19.285.080; and creating a new section."

Excused: Senator Parlette

#### MOTION

#### MOTION

Senator Holmquist moved that the following amendment by Senators Holmquist and Morton to the striking amendment be adopted.

On page 5, line 29 of the amendment, before "conservation" strike "up to twenty-five percent of"

Senators Holmquist, Schoesler and Pflug spoke in favor of adoption of the amendment to the striking amendment.

Senators Marr and Brown spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Holmquist and Morton on page 5, line 29 to the striking amendment to Substitute Senate Bill No. 5840.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Holmquist and Morton and the amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Fraser, Hatfield, Hewitt, Holmquist, Honeyford, King, McCaslin, Morton, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Hargrove, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Excused: Senator Parlette

#### MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 7, line 32 of the amendment, after "at" strike "four" and insert "six"

Senators Honeyford and Marr spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 7, line 32 to the striking amendment to Substitute Senate Bill No. 5840.

The motion by Senator Honeyford carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Marr and Brown as amended to Substitute Senate Bill No. 5840.

The motion by Senator Marr carried and the striking amendment as amended was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "the energy independence act; amending RCW 19.285.020, 19.285.030, 19.285.040,

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5840 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Delvin, Eide, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Kilmer, King, Marr, McDermott, Murray, Prentice, Ranker, Regala, Rockefeller, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Becker, Benton, Brandland, Carrell, Fairley, Fraser, Holmquist, Honeyford, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oemig, Pflug, Pridemore, Roach, Stevens, Swecker and Zarelli

Excused: Senator Parlette

ENGROSSED SUBSTITUTE SENATE BILL NO. 5840, 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 Eide, Engrossed Substitute Senate Bill No. 5840 was immediately transmitted to the House of Representatives.

#### SECOND READING

SENATE BILL NO. 5688, by Senators Murray, McDermott, Kohl-Welles, Fairley, Hobbs, Ranker, Pridemore, Kauffman, Kline, Keiser, Regala, Fraser, Prentice, Oemig, Franklin, McAuliffe, Jarrett, Brown, Kilmer and Tom

Expanding the rights and responsibilities of state registered domestic partners.

#### MOTION

On motion of Senator Murray, Second Substitute Senate Bill No. 5688 was substituted for Senate Bill No. 5688 and the second substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Murray moved that the following amendment by Senator Murray be adopted.

On page 5, line 7, after "purpose," insert "except where inconsistent with federal law or regulations applicable to federal benefit programs,"

On page 5, line 14, after "(2)" strike "All" and insert "Except where inconsistent with federal law or regulations applicable to federal benefit programs, all"

On page 97, line 23, after "partnerships." insert "Nothing in

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this act shall be construed as creating or requiring the creation of any medical assistance program, as that term is defined in RCW 74.09.010, for state registered domestic partners that is analogous to federal medical assistance programs extended to married persons."

On page 98, line 2, after "partnerships." insert "Nothing in this act shall be construed as creating or requiring the creation of any medical assistance program, as that term is defined in RCW 74.09.010, for state registered domestic partners that is analogous to federal medical assistance programs extended to married persons."

On page 111, line 21, after "173," insert "174,"

Senator Murray spoke in favor of adoption of the amendment.

Senator Swecker spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Murray on page 5, line 7 to Second Substitute Senate Bill No. 5688.

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

## MOTION

Senator Swecker moved that the following amendment by Senator Swecker be adopted.

On page 111, after line 23, insert the following:

"NEW SECTION. Sec. 202. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

On page 4, line 21 of the title, strike "and" and after "dates" insert "; and providing for submission of this act to a vote of the people"

Senator Swecker spoke in favor of adoption of the amendment.

Senator McDermott spoke against adoption of the amendment.

Senator Benton demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 111, after line 23 to Substitute Senate Bill No. 5688.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Swecker and the amendment was not adopted by the following vote: Yeas, 19; Nays, 28; Absent, 1; Excused, 1.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, Kauffman, King, McCaslin, Morton, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Absent: Senator Pflug

Excused: Senator Parlette

## MOTION

Senator Swecker moved that the following amendment by Senator Swecker be adopted.

On page 111, after line 23, insert the following:

"NEW SECTION. Sec. 202. If any provision of this act or

its application to any person or circumstance is held invalid, the act shall be considered invalid in its entirety, and the act and the application of any provision of the act to any person or circumstance shall be considered null and void and of no effect."

On page 4, line 20 of the title, after "91.08 RCW;" insert "creating a new section;"

Senator Swecker spoke in favor of adoption of the amendment.

Senator Murray spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 111, after line 23 to Second Substitute Senate Bill No. 5688.

The motion by Senator Swecker failed and the amendment was not adopted by voice vote.

## MOTION

On motion of Senator Murray, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5688 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray, McDermott, Franklin, Ranker, Kline, Kauffman and Brandland spoke in favor of passage of the bill.

Senators Stevens, Swecker, Roach and Holmquist spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5688.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5688 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Rockefeller and Tom

Voting nay: Senators Becker, Benton, Carrell, Delvin, Hargrove, Hatfield, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli

Excused: Senator Parlette

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5688, 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 Eide, Engrossed Second Substitute Senate Bill No. 5688 was immediately transmitted to the House of Representatives.

## SECOND READING

SENATE BILL NO. 5952, by Senators McDermott, Murray, Fairley, Prentice, Kohl-Welles, Kline, Pridemore, Tom, Regala, Jacobsen, Marr, Oemig, Haugen, Franklin, Hobbs and McAuliffe

Modifying the definition of "sexual orientation" for malicious harassment prosecution purposes.

The measure was read the second time.

## MOTION

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On motion of Senator McDermott, the rules were suspended, Senate Bill No. 5952 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McDermott spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5952.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5952 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Sheldon, Shin and Tom

Voting nay: Senators Benton, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Schoesler, Stevens, Swecker and Zarelli

Excused: Senator Parlette

SENATE BILL NO. 5952, 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 Marr, Senator Jacobsen was excused.

#### SECOND READING

SENATE BILL NO. 5850, by Senators Kohl-Welles, Swecker, Keiser, Franklin, Kline, Hargrove, Fraser, Tom, Regala, Prentice, McAuliffe and Shin

Protecting workers from human trafficking violations.

#### MOTION

On motion of Senator Kohl-Welles, Second Substitute Senate Bill No. 5850 was substituted for Senate Bill No. 5850 and the second substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Domestic employers of foreign workers" means a person or persons residing in the state of Washington who recruit or employ a foreign worker to perform work in Washington state.

(2) "Foreign worker" or "worker" means a person who is not a citizen of the United States and who comes to Washington state based on an offer of employment. "Foreign worker" or "worker" does not include persons who hold an H-1B visa and come to work in the state.

(3) "International labor recruitment agency" means a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any state, that does business in the United States and offers Washington

state entities engaged in the employment or recruitment of foreign workers, employment referral services involving citizens of a foreign country or countries by acting as an intermediary between these foreign workers and Washington employers.

**NEW SECTION. Sec. 2.** (1) Domestic employers of foreign workers and international labor recruitment agencies must provide a disclosure statement as described in this section to foreign workers who have been referred to or hired by a Washington employer.

(2) The disclosure statement must:

(a) Be provided in the primary language spoken by the worker;

(b) State that the worker may be considered an employee under the laws of the state of Washington and is subject to state worker health and safety laws and may be eligible for workers' compensation insurance and unemployment insurance;

(c) State that the worker may be subject to both state and federal laws governing overtime and work hours, including the minimum wage act under chapter 49.46 RCW;

(d) Include an itemized listing of any deductions the employer intends to make from the worker's pay for food and housing;

(e) Include an itemized listing of the international labor recruitment agency's fees;

(f) State that the worker has the right to control over his or her travel and labor documents, including his or her visa, at all times and that the employer may not require the employee to surrender those documents to the employer or to the international labor recruitment agency while the employee is working in the United States;

(g) Include a list of services or a hot line a worker may contact if he or she thinks that he or she may be a victim of trafficking.

(3) The department of labor and industries may create a model disclosure form and post the model form on its web site so that domestic employers of foreign workers and international labor recruitment agencies may download the form, or mail the form upon request. The disclosure statement must be given to the worker no later than the date that the worker arrives at the place of employment in Washington.

**NEW SECTION. Sec. 3.** For purposes of establishing personal jurisdiction under this chapter, an international labor recruitment agency or a domestic employer of a foreign worker is deemed to be doing business in Washington and is subject to the jurisdiction of the courts of Washington state if the agency or employer contracts for employment services with a Washington resident or is considered to be doing business under any other provision or rule of law.

**NEW SECTION. Sec. 4.** The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

**Sec. 5.** RCW 18.71.080 and 1996 c 191 s 52 are each amended to read as follows:

(1) Every person licensed to practice medicine in this state shall pay licensing fees and renew his or her license in accordance with administrative procedures and administrative requirements adopted as provided in RCW 43.70.250 and 43.70.280. The commission may establish rules governing mandatory continuing education requirements which shall be met by physicians applying for renewal of licenses. The rules shall provide that mandatory continuing education requirements may be met in part by physicians showing evidence of the completion of approved activities relating to professional liability risk management.

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(2) The office of crime victims advocacy shall supply the commission with information on methods of recognizing victims of human trafficking, what services are available for these victims, and where to report potential trafficking situations. The information supplied must be culturally sensitive and must include information relating to minor victims. The commission shall disseminate this information to licensees by: Providing the information on the commission's web site; including the information in newsletters; holding trainings at meetings attended by organization members; or through another distribution method determined by the commission. The commission shall report to the office of crime victims advocacy on the method or methods it uses to distribute information under this subsection.

(3) The commission, in its sole discretion, may permit an applicant who has not renewed his or her license to be licensed without examination if it is satisfied that such applicant meets all the requirements for licensure in this state, and is competent to engage in the practice of medicine.

Sec. 6. RCW 18.83.090 and 1996 c 191 s 68 are each amended to read as follows:

(1) The board shall establish rules governing mandatory continuing education requirements which shall be met by any psychologist applying for a license renewal.

(2) The office of crime victims advocacy shall supply the board with information on methods of recognizing victims of human trafficking, what services are available for these victims, and where to report potential trafficking situations. The information supplied must be culturally sensitive and must include information relating to minor victims. The board shall disseminate this information to licensees by: Providing the information on the board's web site; including the information in newsletters; holding trainings at meetings attended by organization members; or through another distribution method determined by the board. The board shall report to the office of crime victims advocacy on the method or methods it uses to distribute information under this subsection.

(3) Administrative procedures, administrative requirements, and fees for renewal and reissue of licenses shall be established as provided in RCW 43.70.250 and 43.70.280.

Sec. 7. RCW 18.225.040 and 2001 c 251 s 4 are each amended to read as follows:

In addition to any other authority provided by law, the secretary has the authority to:

(1) Adopt rules under chapter 34.05 RCW necessary to implement this chapter. Any rules adopted shall be in consultation with the committee;

(2) Establish all licensing, examination, and renewal fees in accordance with RCW 43.70.250;

(3) Establish forms and procedures necessary to administer this chapter;

(4) Issue licenses to applicants who have met the education, training, and examination requirements for licensure and to deny a license to applicants who do not meet the requirements;

(5) Hire clerical, administrative, investigative, and other staff as needed to implement this chapter, and hire individuals licensed under this chapter to serve as examiners for any practical examinations;

(6) Administer and supervise the grading and taking of examinations for applicants for licensure;

(7) Determine which states have credentialing requirements substantially equivalent to those of this state, and issue licenses to individuals credentialed in those states without examinations;

(8) Implement and administer a program for consumer education in consultation with the committee;

(9) Adopt rules implementing a continuing education program in consultation with the committee;

(10) The office of crime victims advocacy shall supply the committee with information on methods of recognizing victims

of human trafficking, what services are available for these victims, and where to report potential trafficking situations. The information supplied must be culturally sensitive and must include information relating to minor victims. The committee shall disseminate this information to licensees by: Providing the information on the committee's web site; including the information in newsletters; holding trainings at meetings attended by organization members; or through another distribution method determined by the committee. The committee shall report to the office of crime victims advocacy on the method or methods it uses to distribute information under this subsection;

(11) Maintain the official record of all applicants and licensees; and

~~((11))~~ (12) Establish by rule the procedures for an appeal of an examination failure.

NEW SECTION. Sec. 8. Sections 1 through 4 of this act constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Senator Kohl-Welles spoke in favor of adoption of the striking amendment.

#### MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles and Swecker to Second Substitute Senate Bill No. 5850.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "violations;" strike the remainder of the title and insert "amending RCW 18.71.080, 18.83.090, and 18.225.040; adding a new chapter to Title 19 RCW; and creating a new section."

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5850 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5850.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5850 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Ranker,

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Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Tom

Excused: Senators Jacobsen, Parlette and Zarelli

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5850, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:06 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Wednesday, March 11, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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