

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 22, 2010

The Senate was called to order at 10:00 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 Benton, Holmquist, Jacobsen, McAuliffe and Roach.

The Sergeant at Arms escorted Major General Timothy Lowenberg, Adjutant General and Commander of the Washington National Guard and First Gentleman Mike Gregoire to seats at the Rostrum.

The Color Guard consisting of Washington Army National Guard Sergeant William Graak, Staff Sergeant Corey Scott, Sergeant First Class Trish Jennings and Specialist Jacob Smalser presented the Colors.

The National Anthem was performed by the 133rd Army Band, Staff Sergeant Thomas Lee, Staff Sergeant Amy O'Shields, Sergeant Richard Little, Sergeant Brian Smith and Cadet Joshua Jorgenson.

The prayer was offered by Lieutenant Colonel Carl Steele, 81st Brigade Combat Team Chaplain..

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 20, 2010

SB 6195 Prime Sponsor, Senator Berkey: Mailing applications for distributions of excess proceeds from county tax lien foreclosures to the record owner. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

January 20, 2010

SB 6198 Prime Sponsor, Senator Berkey: Modifying the exemption to the three-year active transacting requirement for foreign or alien insurer applicants. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

January 20, 2010

SB 6251 Prime Sponsor, Senator Benton: Concerning nonresident surplus line brokers and insurance producers. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6251 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

January 20, 2010

SB 6253 Prime Sponsor, Senator Benton: Concerning insurance. Reported by Committee on Financial Institutions, Housing & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6253 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin; McDermott; Parlette and Schoesler.

Passed to Committee on Rules for second reading.

January 21, 2010

SB 6265 Prime Sponsor, Senator Keiser: Concerning hospital surveys or audits. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug; Becker; Marr and Parlette.

Passed to Committee on Rules for second reading.

January 21, 2010

SB 6382 Prime Sponsor, Senator Prentice: Reducing the cost of state government operations by restricting compensation. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6382 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli; Brandland; Fairley; Hobbs; Honeyford; Keiser; Kline; Kohl-Welles; McDermott; Oemig; Parlette; Pridemore; Regala and Rockefeller.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Pflug and Schoesler.

Passed to Committee on Rules for second reading.

January 21, 2010

SB 6503 Prime Sponsor, Senator Prentice: Closing state agencies on specified dates. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6503 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline;

Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

MINORITY recommendation: Do not pass. Signed by Senators Pflug and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Zarelli; Brandland; Hewitt; Honeyford and Parlette.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

November 9, 2009

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MICHAEL L. REICHERT, appointed July 1, 2009, for the term ending June 30, 2015, as Member of the Gambling Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce & Consumer Protection.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6701 by Senators Kline, Kohl-Welles, Jacobsen, Keiser, Gordon, Tom, Fraser and McAuliffe

AN ACT Relating to real property warranties; and adding new sections to chapter 64.50 RCW.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6702 by Senators Kline, McAuliffe, Gordon, McDermott, Fraser, Shin and Kohl-Welles

AN ACT Relating to providing education programs for juveniles in adult jails; and adding a new chapter to Title 28A RCW.

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

SB 6703 by Senators Franklin, King, Keiser, Shin, Kohl-Welles, Marr, Hargrove and Kilmer

AN ACT Relating to online nursing programs; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SB 6704 by Senator Hargrove

AN ACT Relating to modifying general assistance and medical care services provisions; amending RCW 74.04.005, 74.04.230, 74.04.266, 74.04.620, 74.09.035, 74.09.010, 74.09.555, and 74.50.060; adding new sections to chapter 74.08 RCW; repealing RCW 74.04.0052; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6705 by Senator Kastama

AN ACT Relating to modifying business and occupation tax credits; amending RCW 82.04.4452, 82.04.448, 82.04.4483, and 82.62.030; providing an effective date; and providing an expiration date.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6706 by Senators Murray, Delvin, Kastama, Shin, Marr, Kilmer and Kohl-Welles

AN ACT Relating to commercialization of research at state universities; amending RCW 42.52.160; and adding new sections to chapter 28B.63 RCW.

Referred to Committee on Economic Development, Trade & Innovation.

SB 6707 by Senators Shin and Kastama

AN ACT Relating to youth school dropout and crime prevention; amending RCW 26.09.002 and 26.09.187; reenacting and amending RCW 26.09.004; adding a new section to chapter 26.09 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 6708 by Senator Pridemore

AN ACT Relating to respiratory care practitioners; and amending RCW 18.89.020 and 18.89.040.

Referred to Committee on Health & Long-Term Care.

SB 6709 by Senator Brandland

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AN ACT Relating to legal financial obligations; amending RCW 9.94A.760 and 9.94A.753; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Human Services & Corrections.

SB 6710 by Senator Keiser

AN ACT Relating to administration of the medicaid program; amending RCW 74.09.010, 74.09.015, 74.09.035, 74.09.037, 74.09.050, 74.09.055, 74.09.075, 74.09.080, 74.09.085, 74.09.110, 74.09.120, 74.09.160, 74.09.180, 74.09.185, 74.09.190, 74.09.200, 74.09.210, 74.09.240, 74.09.260, 74.09.280, 74.09.290, 74.09.300, 74.09.470, 74.09.480, 74.09.490, 74.09.500, 74.09.510, 74.09.515, 74.09.520, 74.09.521, 74.09.5221, 74.09.5222, 74.09.5227, 74.09.523, 74.09.530, 74.09.540, 74.09.555, 74.09.565, 74.09.575, 74.09.585, 74.09.595, 74.09.650, 74.09.655, 74.09.658, 74.09.659, 74.09.660, 74.09.700, 74.09.710, 74.09.715, 74.09.725, 74.09.730, 74.09.755, 74.09.790, 74.09.800, 74.09.810, and 74.09.820; and reenacting and amending RCW 74.09.053 and 74.09.522.

Referred to Committee on Health & Long-Term Care.

SB 6711 by Senators Prentice, Tom, Kline and Fraser

AN ACT Relating to limiting tax preferences that have been the subject of administrative or judicial appeals; amending RCW 82.04.423, 82.04.4292, 82.04.4266, 82.04.250, 82.04.250, 82.04.298, 82.04.334, 82.04.4463, 82.08.806, 82.32.545, 82.32.550, 82.32.630, 82.32.632, 82.45.195, 35.102.150, and 48.14.080; reenacting and amending RCW 82.04.260, 82.04.261, and 82.04.440; adding a new section to chapter 82.04 RCW; creating new sections; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6712 by Senators Hobbs, Shin and Kilmer

AN ACT Relating to extending expiring tax incentives for certain clean alternative fuel vehicles, producers of certain biofuels, and federal aviation regulation part 145 certificated repair stations; amending RCW 82.04.250, 82.08.809, 82.12.809, 84.36.635, 84.36.640, and 82.29A.135; repealing 2008 c 81 s 19 (uncodified); repealing 2007 c 54 s 30 (uncodified); repealing 2006 c 177 s 14 (uncodified); repealing 2005 c 296 s 6 (uncodified); repealing 2007 c 54 s 5; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6713 by Senators Tom, Prentice, Murray, Kline, Kohl-Welles and Fraser

AN ACT Relating to increasing revenues by eliminating and narrowing preferential tax treatment; amending RCW 82.08.890 and 82.12.890; reenacting and amending RCW 82.04.360; adding a new section to chapter 82.32 RCW; creating new sections; repealing RCW 82.04.062; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6714 by Senators Tom, Prentice, Kline, Kohl-Welles and Fraser

AN ACT Relating to addressing tax avoidance; amending RCW 82.32.090, 82.32.050, 82.12.020, 82.45.033, 82.45.070, 82.45.080, 82.45.100, 82.45.220, and 43.07.390; reenacting and amending RCW 82.45.010; adding new sections to chapter 82.32 RCW; creating new sections; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6715 by Senator Berkey

AN ACT Relating to surplus line coverage; and amending RCW 48.15.040.

Referred to Committee on Financial Institutions, Housing & Insurance.

SB 6716 by Senators McDermott, Kline, Kohl-Welles, Regala and Kauffman

AN ACT Relating to the representation of children in dependency matters; amending RCW 13.34.100, 13.34.105, and 13.34.215; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 6717 by Senator Prentice

AN ACT Relating to administrative review of public assistance decisions; amending RCW 74.04.005 and 74.08.080; creating a new section; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 6718 by Senator Hobbs

AN ACT Relating to the definition of criminal act for crime victims compensation purposes; amending RCW 7.68.020; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6719 by Senators Murray, King and Kohl-Welles

AN ACT Relating to special occasion licenses; and amending RCW 66.28.310.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6720 by Senators Fraser, Delvin and Kline

AN ACT Relating to providing an optional tool for cities to use for programmatic environmental impact review; amending RCW 82.02.020; adding a new section to chapter 43.21C RCW; and creating a new section.

Referred to Committee on Environment, Water & Energy.

SB 6721 by Senators Schoesler, Hobbs and Honeyford

AN ACT Relating to tax statute clarifications and technical corrections; amending RCW 39.100.050, 82.04.190, 82.04.3651, 82.04.394, 82.08.0256, 82.08.02573, 82.08.0273, 82.08.700, 82.12.0257, 82.12.040, 82.16.110, 82.32.080, 82.36.440, 82.38.280, 82.62.010, 82.80.120, 83.100.040, 83.100.046, 83.100.046, 82.04.290, 29A.36.210, 36.68.525, 36.69.145, 84.36.381, 84.37.030, 84.37.902, 84.48.050, 84.52.030, 84.52.070, and 84.52.080; reenacting and amending RCW 82.04.050, 82.04.360, 82.16.010, 82.16.010, 82.32.520, 84.34.020, and 84.36.383; adding a new section to chapter 82.32 RCW; repealing RCW 84.55.080; providing effective dates; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6722 by Senators Schoesler, Carrell and McCaslin

AN ACT Relating to escape or disappearance notification requirements; and amending RCW 10.77.165.

Referred to Committee on Human Services & Corrections.

SB 6723 by Senators Schoesler, Brown and Parlette

AN ACT Relating to studying the elimination of property tax on personal property; and creating a new section.

Referred to Committee on Ways & Means.

SB 6724 by Senators Kilmer, Kauffman, Eide, Berkey, Murray, Shin and Keiser

AN ACT Relating to allowing employees of a school district or educational service district to share leave with employees in another agency; and amending RCW 41.04.665.

Referred to Committee on Government Operations & Elections.

SB 6725 by Senators Kline, Kohl-Welles and Keiser

AN ACT Relating to the protection of public policy; and adding new sections to chapter 49.60 RCW.

Referred to Committee on Judiciary.

SB 6726 by Senators Marr, Kohl-Welles, Ranker, Murray, McDermott, Keiser, Prentice, Kauffman, Kline, Kilmer, Fraser and Pridemore

AN ACT Relating to making the governor the public employer of language access providers; amending RCW 41.56.030, 41.56.113, 41.04.810, 43.01.047, and 74.04.025; adding new sections to chapter 74.04 RCW; adding a new section to chapter 41.56 RCW; and creating a new section.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6727 by Senators Marr and Brown

AN ACT Relating to health sciences and services authorities; amending RCW 35.104.060 and 42.30.110; and adding a new section to chapter 35.104 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6728 by Senators Gordon, Kohl-Welles, Keiser, Murray and Fraser

AN ACT Relating to classroom training for electrical trainees; amending RCW 19.28.161; and providing an effective date.

Referred to Committee on Labor, Commerce & Consumer Protection.

SB 6729 by Senator Fraser

AN ACT Relating to notices to shareholders of annual or special meetings; and amending RCW 23B.07.050.

Referred to Committee on Judiciary.

SB 6730 by Senators Becker, Hargrove, Stevens and Roach

AN ACT Relating to child welfare; amending RCW 13.34.060, 13.34.105, and 74.14B.030; reenacting and amending RCW 13.34.130; adding new sections to chapter 13.34 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6731 by Senators Shin, Kastama, Hobbs and Berkey

AN ACT Relating to the establishment of the Washington trade corps fellowship program; adding new sections to chapter 43.31 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SJR 8225 by Senators Fraser, Brandland and Prentice

Resolving to define "interest" in the state Constitution.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6718 which was referred to the Committee on Human Services & Corrections and Senate Bill No. 6724 which was referred to the Committee on Government Operations & Elections.

MOTION

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

MOTION

Senator Hobbs moved adoption of the following resolution:

SENATE RESOLUTION 8675

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By Senators Hobbs, Brandland, Parlette, Prentice, Tom, Fraser, Rockefeller, Regala, McDermott, Morton, Haugen, Stevens, Kastama, Keiser, Pflug, Schoesler, Honeyford, Hatfield, Hewitt, Eide, Kohl-Welles, Berkey, Pridemore, Becker, Oemig, Gordon, and Roach

The President welcomed and introduced Major General Timothy Lowenberg, Adjutant General and Commander of the Washington National Guard who was seated at the rostrum and all members of the National Guard in the Gallery.

The President thanked First Gentleman, Mike Gregoire who was also seated at the rostrum.

WHEREAS, Nearly eighty-six hundred men and women of the Washington National Guard continue to serve the country as guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness, who reside in every legislative district throughout Washington, volunteer their time and put personal lives aside to serve the needs of the people of Washington state; and

WHEREAS, The Guard always answers the state's call in response to all emergency efforts and to protect lives and property; and

WHEREAS, The Washington Army and Air National Guard continue to provide critical mission support in both personnel and equipment to Operation Iraqi Freedom and Operation Enduring Freedom in Iraq and Afghanistan, respectively, and Operation Noble Eagle here at home; and

WHEREAS, The Guard continues to train and prepare for both natural disasters and threats to our national security; and

WHEREAS, The Guard continues to promote positive lifestyles and activities for Washington's youth through involvement in and support of highly effective drug prevention programs with school-aged children and community-based organizations and the continued success and ongoing work of the invaluable Washington Youth Academy; and

WHEREAS, The Guard continues to actively participate in the state's counterdrug efforts by providing soldiers, airmen, and specialized equipment to local, state, and federal law enforcement agencies; and

WHEREAS, The Guard adds value to communities by opening its readiness centers for public use, food banks, and other community and youth activities. The Guard continues to build upon these readiness centers and armories throughout the state to enhance education, add to quality of life, and increase economic vitality;

NOW, THEREFORE, BE IT RESOLVED, That the Senate express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard soldiers and airmen for their support, without whom the Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the Senate recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, well-equipped, and trained Guard units and the readiness centers and armories that house them; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to The Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretaries of the United States Army and Air Force, and the President of the United States.

Senator Hobbs spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8675.

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

INTRODUCTION OF SPECIAL GUESTS

PERSONAL PRIVILEGE

Senator McAuliffe: "I would like to announce that between nine and ten this evening on all channels of our TV's will be a program hosted by George Clooney and Ocean's Eleven crew to raise money to support the people of Haiti. So, I encourage all of us to tune in, all stations will air this program."

MOTION

At 10:22 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 11:51 a.m. by President Owen.

MOTION

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

MOTION

On motion of Senator Eide, Senator Jacobsen was excused.

MOTION

On motion of Senator Brandland, Senators Benton, Holmquist and Roach were excused.

SECOND READING

SENATE BILL NO. 6382, by Senators Prentice and Tom

Reducing the cost of state government operations by restricting compensation.

MOTION

On motion of Senator Tom, Substitute Senate Bill No. 6382 was substituted for Senate Bill No. 6382 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 1, after line 5, strike all material down through line 22 on page 10 and insert the following:

" NEW SECTION, Sec. 1. A new section is added to chapter 41.06 RCW to read as follows:

(1) From July 1, 2010 through June 30, 2011, a salary or wage increase shall not be granted to any position classified under this chapter, except that a salary increase may be granted for a position for which the employer has demonstrated difficulty in retaining qualified employees if the following conditions are met:

(a) The salary increase can be paid within existing resources; and

(b) The salary increase will not adversely impact the delivery of client services.

(2) From the effective date of this act through June 30, 2011, a salary or wage increase shall not be granted to any position exempt from classification under this chapter, except that a salary increase may be granted for a position for which the employer has demonstrated difficulty in retaining qualified employees if the following conditions are met:

(a) The salary increase can be paid within existing resources; and

(b) The salary increase will not adversely impact the delivery of client services.

(3) Any agency granting a salary increase from the effective date of this act through June 30, 2011, to a position classified or exempt from classification under this chapter, shall submit a report to the fiscal committees of the legislature no later than July 31, 2011, detailing the positions for which salary increases were granted, the size of the increases, and the reasons for giving the increases.

This section expires July 1, 2011."

Re-number the sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "RCW", strike "41.06.500".

On page 1, line 3 of the title, after "41.60.150"; strike "reenacting and amending RCW 41.06.070 and 41.06.133" and insert "creating a new section".

Senator Zarelli 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 Zarelli on page 1, after line 5 to Substitute Senate Bill No. 6382.

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

MOTION

On motion of Senator Tom, the rules were suspended, Substitute Senate Bill No. 6382 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom and Brown spoke in favor of passage of the bill.

Senators Parlette and Zarelli spoke against passage of the bill

MOTION

On motion of Senator Marr, Senator McAuliffe was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6382.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6382 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 14; Absent, 1; Excused, 5.

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

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Hewitt, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Stevens, Swecker and Zarelli

Absent: Senator Honeyford

Excused: Senators Benton, Holmquist, Jacobsen, McAuliffe and Roach

SUBSTITUTE SENATE BILL NO. 6382, 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. 6503, by Senator Prentice

Closing state agencies on specified dates.

MOTION

On motion of Senator Tom, Substitute Senate Bill No. 6503 was substituted for Senate Bill No. 6503 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Schoesler, Senator Honeyford was excused.

MOTION

Senator Zarelli moved that the following striking amendment by Senator Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) From the effective date of this act, state agencies of the legislative, executive, and judicial branches, including institutions of higher education, shall achieve a reduction in employee compensation costs of \$69.154 million from general fund--state and education legacy trust account expenditures for the 2009-11 fiscal biennium and \$138.308 million for the 2011-13 fiscal biennium. The legislature declares that a significant revenue shortfall has occurred pursuant to RCW 41.80.010(6) and the parties to the state's collective bargaining agreements are directed to immediately enter into collective bargaining to modify the agreements and achieve the costs reductions required by this section. It is the intent of the legislature that the collective bargaining negotiations under this section be conducted on an expedited basis so that savings can be implemented in a manner that reduces the impact on the delivery of essential governmental services while minimizing adverse effects on lower-wage public employees.

(2) The office of financial management shall certify to each state agency and institution of higher education that portion of the compensation reduction amount specified in subsection (1) of this section to be achieved by that agency or institution, based on the agency's proportionate share of compensation costs. By May 15, 2010, each agency and institution shall submit to the office of financial management a compensation reduction plan to achieve the cost reductions specified in this subsection. The compensation reduction plan of each agency may include, but is not limited to, employee leave without pay, including mandatory and voluntary temporary layoffs, reductions in the agency workforce, compensation reductions, and reduced work hours, as well as voluntary retirement, separation, and other incentive programs authorized by section 912, chapter 564, Laws of 2009. The amount of compensation cost reductions to be achieved by each agency or institution shall be adjusted to reflect voluntary and mandatory temporary layoffs implemented by the agency or institution during the 2009-11 fiscal biennium and prior to the effective date of this act. It is the legislature's intent that, in developing the compensation reduction plans, agencies shall strive to preserve family wage jobs by reducing the impact of temporary layoffs on lower-wage jobs.

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(3) By June 1, 2010, the director of financial management shall review, approve, and submit to the legislative fiscal committees those agency compensation reduction plans that achieve the cost reduction required by subsection (2) of this section. It is the intent of the legislature that agencies may implement their compensation reduction plans prior to June 1, 2010, if that implementation will produce greater cost reductions or moderate the impacts on employees and agency programs. For those agencies and institutions of higher education that do not have an approved compensation reduction plan by June 1, 2010, the agency or institution shall be closed on the following dates in addition to the legal holidays specified in RCW 1.16.050:

- (a) Monday, June 14, 2010;
- (b) Tuesday, July 6, 2010;
- (c) Friday, August 6, 2010;
- (d) Tuesday, September 7, 2010;
- (e) Monday, October 11, 2010;
- (f) Friday, November 12, 2010;
- (g) Monday, December 27, 2010;
- (h) Friday, January 14, 2011;
- (i) Friday, February 18, 2011;
- (j) Friday, March 11, 2011;
- (k) Friday, April 15, 2011;
- (l) Friday, May 27, 2011;
- (m) Friday, June 10, 2011; and
- (n) The twenty-four comparable dates during the 2011-13 fiscal biennium.

(4) If the closure of an office of an agency of the state under subsection (3) of this section prevents the performance of any action, the action shall be considered timely if performed on the next business day. For any agency of the judicial branch that is closed on the dates specified in subsection (3) of this section, the dates are deemed to be nonjudicial days for the purposes of Article IV of the state Constitution.

(5) The following activities of state agencies and institutions of higher education are exempt from subsections (2) and (3) of this section:

- (a) Direct custody, supervision, and patient care in: (i) Corrections, (ii) juvenile rehabilitation, (iii) institutional care of veterans, the mentally ill, and developmentally disabled, (iv) state hospitals, the University of Washington medical center, and Harborview medical center, (v) the special commitment center, (vi) the school for the blind, (vii) the state center for childhood deafness and hearing loss, and (viii) the Washington youth academy;
- (b) Direct protective services to children and other vulnerable populations in the department of social and health services;
- (c) Washington state patrol investigative services and field enforcement;
- (d) Hazardous materials response or emergency response and cleanup;
- (e) Emergency public health and patient safety response and the public health laboratory;
- (f) Military operations and emergency management within the military department;
- (g) Firefighting;
- (h) Enforcement officers in the department of fish and wildlife, the liquor control board, the gambling commission, department of financial institutions, and the department of natural resources;
- (i) State parks operated by the parks and recreation commission;
- (j) In institutions of higher education, classroom instruction, operations not funded from state funds or tuition, campus police and security, emergency management and response, and student health care;
- (k) Operations of liquor control board business enterprises and games conducted by the state lottery;

(m) Agricultural commodity commissions and boards, and agricultural inspection programs operated by the department of agriculture;

(n) The unemployment insurance program and reemployment services of the employment security department;

(o) The workers' compensation program and workplace safety and health compliance activities of the department of labor and industries;

(p) The operation, maintenance, and construction of state ferries and state highways;

(q) The audit and compliance sections of the department of revenue;

(r) Licensing service offices in the department of licensing that are open no more than two days per week, and no licensing service office closures may occur as a result of this section on Saturdays;

(s) The governor, lieutenant governor, legislative agencies, and the office of financial management, during sessions of the legislature under Article II, section 12 of the state Constitution and the twenty-day veto period under Article IV, section 12 of the state Constitution; and

(t) The minimal use of state employees on the specified closure dates as necessary to protect public assets, information technology systems, and maintain public safety.

(6) The closure of an office of a state agency or institution of higher education under this section shall result in the temporary layoff of the employees of the agency or institution. The compensation of the employees shall be reduced proportionately to the duration of the temporary layoff. Temporary layoffs under this section shall not affect the employees' vacation leave accrual, seniority, or sick leave credits. For the purposes of chapter 430, Laws of 2009, the compensation reductions under this section are deemed to be an integral part of an employer's expenditure reduction efforts and shall not result in the loss of retirement benefits in any state defined benefit retirement plan for an employee whose period of average final compensation includes a portion of the period from the effective date of this act through June 30, 2011.

(7) Except as provided in subsection (5) of this section, for employees not scheduled to work on a day specified in subsection (3) of this section, the employing agency must designate an alternative day during that month on which the employee is scheduled to work that the employee will be temporarily laid off.

(8) To the extent that the implementation of this section is subject to collective bargaining under chapters 28B.52, 41.56, 41.76, 41.80, or 47.64 RCW, the bargaining shall be conducted pursuant to section 2 of this act.

(9) For all or a portion of the employees of an agency of the executive branch, the office of financial management may approve the substitution of temporary layoffs on an alternative date for any date specified in subsection (3) of this section as necessary for the critical work of any agency.

NEW SECTION. Sec. 2. A new section is added to chapter 41.80 RCW to read as follows:

(1) To the extent that the implementation of section 1 of this act is subject to collective bargaining:

(a) For institutions of higher education that have elected to have negotiations conducted by the governor or governor's designee in accordance with RCW 41.80.010(4), negotiations regarding impacts of section 1 of this act shall be conducted between the governor or governor's designee and one coalition of all of the exclusive bargaining representatives subject to chapter 41.80 RCW; and

(b) For institutions of higher education that have not elected to have negotiations conducted by the governor or governor's designee under RCW 41.80.010(4), negotiations regarding impacts of section 1 of this act shall be conducted between each institution of higher education and the exclusive bargaining representatives.

(2) This section expires on June 30, 2013.

Sec. 3. RCW 42.04.060 and 2009 c 428 s 1 are each amended to read as follows:

Except as provided in section 1 of this act, all state elective and appointive officers shall keep their offices open for the transaction of business for a minimum of forty hours per week, except weeks that include state legal holidays. Customary business hours must be posted on the agency or office's web site and made known by other means designed to provide the public with notice.

((This section shall not apply to the courts of record of this state or to their officers nor to the office of the attorney general and the lieutenant governor.))

NEW SECTION. Sec. 4. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. 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 Zarelli spoke in favor of adoption of the striking amendment.

Senator Rockefeller spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Zarelli to Substitute Senate Bill No. 6503.

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

MOTION

On motion of Senator Tom, the rules were suspended, Substitute Senate Bill No. 6503 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom, Brown, Kohl-Welles and Pridemore spoke in favor of passage of the bill.

Senators Zarelli, Fraser, Pflug spoke against passage of the bill.

Senator Keiser spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6503.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6503 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 17; Absent, 0; Excused, 5.

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

Voting nay: Senators Becker, Brandland, Carrell, Delvin, Fraser, Hewitt, Honeyford, King, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Excused: Senators Benton, Holmquist, Jacobsen, McAuliffe and Roach

SUBSTITUTE SENATE BILL NO. 6503, 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 12:36 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, January 25, 2010.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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