

FIFTY EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia
Tuesday, March 12, 2019

The Senate was called to order at 10:02 a.m. by the President Pro Tempore, Senator Keiser presiding. The Secretary called the roll and announced to the President Pro Tempore that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Aidan Kittilstved and Mr. Alexander Lascar, presented the Colors. Page Miss Tessa Snowden led the Senate in the Pledge of Allegiance.

The prayer was offered by Senator Rebecca Saldaña, 37th Legislative District, Seattle.

The President called upon the Secretary to read the journal of the preceding day.

MOTIONS

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

On motion of Senator Liias, 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

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 11, 2019

HB 1906 Prime Sponsor, Representative Ortiz-Self: Recognizing the tenth day of April as Dolores Huerta day. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Bailey; Hasegawa; Hawkins and Takko.

Referred to Committee on Rules for second reading.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

March 11, 2019

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5079,
SUBSTITUTE SENATE BILL NO. 5581,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5983 by Senator Van De Wege

AN ACT Relating to the law enforcement officers' and firefighters' plan 2 pension system; amending RCW 41.26.802 and 41.26.805; creating a new section; repealing RCW 41.26.800; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5984 by Senators Wellman, Rivers, Hasegawa, Padden, Cleveland, Walsh, Hunt, Brown, Zeiger, Randall, Takko, Lovelett, Nguyen, Kuderer and Das

AN ACT Relating to language understanding of documents used in dissolution proceedings; and adding a new section to chapter 26.09 RCW.

Referred to Committee on Law & Justice.

SHB 1075 by House Committee on Consumer Protection & Business (originally sponsored by Kirby and Vick)

AN ACT Relating to consumer competitive group insurance; and amending RCW 48.30.140 and 48.30.150.

Referred to Committee on Financial Institutions, Economic Development & Trade.

ESHB 1099 by House Committee on Health Care & Wellness (originally sponsored by Jinkins, Cody, Tharinger, Robinson and Reeves)

AN ACT Relating to providing notice about network adequacy to consumers; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long Term Care.

E2SHB 1114 by House Committee on Appropriations (originally sponsored by Doglio, Slatter, Fey, Peterson, Ryu, Fitzgibbon, Tharinger, Jinkins, Macri and Walen)

AN ACT Relating to reducing the wasting of food in order to fight hunger and reduce environmental impacts; amending

RCW 70.93.180 and 70.95.090; adding a new section to chapter 70.95 RCW; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

E2SHB 1139 by House Committee on Appropriations (originally sponsored by Santos, Dolan, Callan, Pollet, Reeves and Bergquist)

AN ACT Relating to expanding the current and future educator workforce supply through evidence-based strategies to improve and incentivize the recruitment and retention of highly effective educators, especially in high-need subject, grade-level, and geographic areas, and to establish a cohesive continuum of high quality professional learning from preparation programs to job embedded induction, mentoring, collaboration, and other professional development opportunities; amending RCW 28A.415.370, 28A.180.120, 28A.660.020, 28A.660.035, 28B.10.033, 28B.76.699, 28A.630.205, 28B.102.020, 28B.102.030, 28B.102.045, 28B.102.090, 28A.660.042, 28A.660.045, 28B.102.055, 28B.102.080, 28B.15.558, 28A.415.265, 28A.405.100, 28A.410.278, and 41.32.068; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28A.310 RCW; adding new sections to chapter 28A.630 RCW; adding new sections to chapter 28A.410 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.76 RCW; adding new sections to chapter 28B.102 RCW; adding a new section to chapter 28A.660 RCW; adding a new section to chapter 41.35 RCW; adding a new section to chapter 28A.400; creating new sections; recodifying RCW 28A.630.205, 28A.660.042, and 28A.660.045; repealing RCW 28B.102.010, 28B.102.040, 28B.102.050, 28B.102.060, 28A.660.050, and 28A.660.055; repealing 2016 c 233 s 19 (uncodified); providing expiration dates; and declaring an emergency.

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

SHB 1196 by House Committee on Appropriations (originally sponsored by Riccelli, Steele, Stonier, Fitzgibbon, Ortiz-Self, Tarleton, Doglio, Schmick, Eslick, Lovick, Fey, Shea, Tharinger and Goodman)

AN ACT Relating to observing daylight saving time year round; amending RCW 35A.21.190; adding new sections to chapter 1.20 RCW; repealing RCW 1.20.050, 1.20.051, and 1.20.---; and providing a contingent effective date.

Referred to Committee on State Government, Tribal Relations & Elections.

E2SHB 1224 by House Committee on Appropriations (originally sponsored by Robinson, Macri, Ryu, Peterson, Frame, Tharinger, Bergquist, Gregerson, Jinkins, Ortiz-Self, Lovick, Doglio, Stanford, Appleton, Slatter and Wylie)

AN ACT Relating to prescription drug cost transparency; reenacting and amending RCW 74.09.215; adding a new chapter to Title 43 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Health & Long Term Care.

E2SHB 1296 by House Committee on Appropriations (originally sponsored by Macri, Goodman, Appleton, Cody, Thai, Tharinger and Springer)

AN ACT Relating to continuing care retirement communities; amending RCW 18.390.010, 18.390.030, 18.390.040, 18.390.060, 18.390.070, 18.390.080, and 18.390.900; and adding a new section to chapter 18.390 RCW.

Referred to Committee on Health & Long Term Care.

2SHB 1304 by House Committee on Appropriations (originally sponsored by MacEwen, Stonier, Santos, Harris, Steele, Griffey, Reeves, Stokesbary, Sells, Dolan, Eslick, Lekanoff, Bergquist, Jinkins, Leavitt, Thai and Wylie)

AN ACT Relating to career and technical education in alternative learning experience programs; reenacting and amending RCW 28A.700.070; adding a new section to chapter 28A.232 RCW; and creating a new section.

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

HB 1305 by Representatives Walen, Irwin and Jinkins

AN ACT Relating to notices of disqualification in courts of limited jurisdiction; amending RCW 3.34.110, 3.50.045, 35.20.175, 3.34.130, 3.50.090, and 3.66.090; and repealing RCW 3.20.100.

Referred to Committee on Law & Justice.

ESHB 1308 by House Committee on Appropriations (originally sponsored by Stanford, Volz, Ormsby, Fitzgibbon and Griffey)

AN ACT Relating to plan membership default provisions in the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system; amending RCW 41.32.835, 41.35.610, and 41.40.785; and providing an effective date.

Referred to Committee on Ways & Means.

E2SHB 1311 by House Committee on Appropriations (originally sponsored by Bergquist, Ortiz-Self, Stonier, Dolan, Frame, Paul, Ryu, Sells, Valdez, Lekanoff, Stanford, Leavitt, Thai and Wylie)

AN ACT Relating to college bound scholarship eligible students; amending RCW 28B.118.040, 28B.118.090, and 28B.92.060; reenacting and amending RCW 28B.118.010; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

ESHB 1329 by House Committee on Civil Rights & Judiciary (originally sponsored by Kilduff, Harris, Jinkins, Klippert, Valdez, Walen, Tharinger and Leavitt)

AN ACT Relating to methods of services provided by the office of public guardianship; and amending RCW 2.72.005, 2.72.010, 2.72.020, 2.72.030, and 11.28.120.

Referred to Committee on Law & Justice.

ESHB 1332 by House Committee on Environment & Energy (originally sponsored by Wylie, DeBolt, Mead, Doglio, Fitzgibbon and Tharinger)

AN ACT Relating to updating and streamlining the energy facility site evaluation council operations; amending RCW

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80.50.040, 80.50.060, 80.50.100, and 80.50.175; and reenacting and amending RCW 80.50.030 and 80.50.090.

AN ACT Relating to mosquito control districts; and amending RCW 17.28.257.

Referred to Committee on Environment, Energy & Technology.

Referred to Committee on Local Government.

ESHB 1379 by House Committee on State Government & Tribal Relations (originally sponsored by Pellicciotti, Hudgins, Appleton, Gregerson, Pollet, Macri, Valdez, Kloba, Bergquist, Tarleton, Doglio, Frame, Goodman, Reeves and Fey)

E2SHB 1599 by House Committee on Appropriations (originally sponsored by Stonier, Harris, Dolan, Ortiz-Self, MacEwen, Kilduff, Young, Valdez, Wylie, Volz, Bergquist, Stanford, Tharinger, Lekanoff, Pollet, Slatter and Ormsby)

AN ACT Relating to disclosure of contributions from political committees to other political committees; amending RCW 42.17A.320; adding a new section to chapter 42.17A RCW; and creating a new section.

AN ACT Relating to promoting career and college readiness through modified high school graduation requirements; amending RCW 28A.655.065, 28A.230.090, 28A.155.045, 28A.655.061, 28A.155.170, 28A.180.100, 28A.195.010, 28A.200.010, 28A.230.122, 28A.230.125, 28A.305.130, 28A.320.190, 28A.320.208, 28A.600.310, 28A.700.080, 28A.415.360, 28A.655.068, 28A.655.070, 28A.655.090, 28A.655.200, and 28A.655.063; adding new sections to chapter 28A.655 RCW; adding a new section to chapter 28A.230 RCW; creating new sections; repealing RCW 28A.655.066; providing expiration dates; and declaring an emergency.

Referred to Committee on State Government, Tribal Relations & Elections.

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

E2SHB 1401 by House Committee on Appropriations (originally sponsored by Shea, Blake, Chandler, Walsh, Eslick and Kloba)

AN ACT Relating to hemp production; amending RCW 69.50.204; reenacting and amending RCW 69.50.101; adding a new chapter to Title 15 RCW; creating a new section; repealing RCW 15.120.005, 15.120.010, 15.120.020, 15.120.030, 15.120.035, 15.120.040, 15.120.050, and 15.120.060; providing an effective date; and declaring an emergency.

HB 1634 by Representatives Goehner and Eslick

AN ACT Relating to requiring property sold in tax lien foreclosure proceedings to be sold as is; and amending RCW 84.64.080.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

Referred to Committee on Local Government.

SHB 1476 by House Committee on Consumer Protection & Business (originally sponsored by Stanford, Appleton and Fitzgibbon)

AN ACT Relating to contracts for dogs and cats; amending RCW 62A.9A-102; and adding a new section to chapter 63.10 RCW.

ESHB 1667 by House Committee on Appropriations (originally sponsored by Springer, Walsh, Appleton, Peterson, Smith and Griffey)

AN ACT Relating to public records request administration; and amending RCW 40.14.026, 42.56.570, and 36.22.175; and providing an effective date.

Referred to Committee on Labor & Commerce.

Referred to Committee on State Government, Tribal Relations & Elections.

E2SHB 1523 by House Committee on Appropriations (originally sponsored by Cody, Macri, Riccelli, Stonier, Tharinger, Ormsby, Davis, Frame, Robinson, Thai, Doglio, Stanford and Valdez)

AN ACT Relating to increasing the availability of quality, affordable health coverage in the individual market; adding a new section to chapter 43.71 RCW; adding a new section to chapter 42.56 RCW; adding a new section to chapter 41.05 RCW; creating new sections; and providing an expiration date.

ESHB 1696 by House Committee on Appropriations (originally sponsored by Dolan, Senn, Davis, Macri, Robinson, Jinkins, Kilduff, Wylie, Frame, Appleton, Ortiz-Self, Stanford, Goodman, Chapman, Peterson, Doglio, Pollet, Leavitt, Valdez and Gregerson)

AN ACT Relating to wage and salary information; adding new sections to chapter 49.12 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health & Long Term Care.

Referred to Committee on Labor & Commerce.

EHB 1564 by Representatives Macri, Schmick, Cody, Tharinger, Jinkins, Kilduff, Appleton and Lekanoff

AN ACT Relating to the nursing facility medicaid payment system; amending RCW 74.46.561 and 74.46.501; and adding a new section to chapter 74.46 RCW.

EHB 1777 by Representatives Cody, Harris, Macri, Schmick, Vick, Appleton and Robinson

AN ACT Relating to exempting certain existing ambulatory surgical facilities from certificate of need; and amending RCW 70.38.111.

Referred to Committee on Health & Long Term Care.

Referred to Committee on Health & Long Term Care.

HB 1583 by Representatives Kraft, Pollet, Harris, Griffey, Slatter, Stonier and Wylie

ESHB 1813 by House Committee on Appropriations (originally sponsored by Sullivan, Santos, Ortiz-Self and Ormsby)

AN ACT Relating to incorporating the costs of employee health benefits into school district contracts for pupil transportation; and amending RCW 28A.160.140.

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

HB 1838 by Representatives Walsh, Goehner, Hudgins, Gregerson and Stanford

AN ACT Relating to public disclosure of unaggregated financial, proprietary, or commercial information submitted to the liquor and cannabis board by a licensed distillery; and reenacting and amending RCW 42.56.270.

Referred to Committee on State Government, Tribal Relations & Elections.

ESHB 1879 by House Committee on Health Care & Wellness (originally sponsored by Jinkins, Cody, Harris, Macri, DeBolt, Pollet, Robinson, Tharinger and Doglio)

AN ACT Relating to regulating and reporting of utilization management in prescription drug benefits; adding new sections to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long Term Care.

HB 1918 by Representative Santos

AN ACT Relating to community preservation and development authorities; amending RCW 43.167.010; adding new sections to chapter 43.167 RCW; and creating new sections.

Referred to Committee on Local Government.

HB 2051 by Representatives Lovick, Chapman, Griffey and Dent

AN ACT Relating to firefighters and law enforcement officers pension and disability boards; amending RCW 41.16.010, 41.16.020, 41.18.015, 41.20.010, and 41.26.030; and reenacting and amending RCW 41.18.010 and 41.26.110.

Referred to Committee on Ways & Means.

MOTION

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

MOTION

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Frockt moved that Rosa Peralta, Senate Gubernatorial Appointment No. 9131, be confirmed as a member of the Seattle College District Board of Trustees.

Senator Frockt spoke in favor of the motion.

APPOINTMENT OF ROSA PERALTA

The President Pro Tempore declared the question before the Senate to be the confirmation of Rosa Peralta, Senate Gubernatorial Appointment No. 9131, as a member of the Seattle College District Board of Trustees.

The Secretary called the roll on the confirmation of Rosa Peralta, Senate Gubernatorial Appointment No. 9131, as a member of the Seattle College District Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Salomon

Rosa Peralta, Senate Gubernatorial Appointment No. 9131, having received the constitutional majority was declared confirmed as a member of the Seattle College District Board of Trustees.

MOTIONS

On motion of Senator Wilson, C., Senator Salomon was excused.

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

SECOND READING

SENATE BILL NO. 5279, by Senators Van De Wege, Warnick and Short

Regulating outdoor burning for the protection of life or property and for public health, safety, and welfare.

MOTION

On motion of Senator Van De Wege, Substitute Senate Bill No. 5279 was substituted for Senate Bill No. 5279 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Short moved that the following amendment no. 335 by Senator Short be adopted:

On page 2, line 21, after "(5)" strike "Outdoor" and insert "Notwithstanding any other provisions of this section, outdoor"

On page 2, line 21, after "burning that" insert "reduces the risk of a wildfire, or"

On page 2, line 25, after "for any" strike "silvicultural"

On page 4, line 14, after "Abating" insert "or prevention of"

On page 4, line 15, after "(b)" strike "Prevention of a fire hazard" and insert "((Prevention of a fire hazard)) Reducing the risk of a wildfire under RCW 70.94.6514(5)"

On page 4, line 31, after "responsibility" insert ", except for the issuance of permits for reducing the risk of wildfire under RCW 70.94.6514(5). The department of natural resources may enter into cooperative agreements with local fire protection agencies to issue permits for reducing wildfire risk under RCW 70.94.6514(5)"

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On page 4, line 32, after “assessed for” insert “wildfire risk reduction and for”

Senators Short and Van De Wege spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 335 by Senator Short on page 2, line 21 to Substitute Senate Bill No. 5279.

The motion by Senator Short carried and amendment no. 335 was adopted by voice vote.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Substitute Senate Bill No. 5279 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege, Short and Padden spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5279.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5279 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O’Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5279, 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. 5467, by Senators Liias, Short, Takko, Padden, Sheldon, Hobbs, Warnick, Wellman and Van De Wege

Extending the tax preferences in RCW 82.04.260(12).

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, Senate Bill No. 5467 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, Warnick and Short spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5467.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5467 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O’Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

SENATE BILL NO. 5467, 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. 5276, by Senators Ericksen, Takko and Wellman

Authorizing hemp production in conformance with the agriculture improvement act of 2018.

MOTION

On motion of Senator Warnick, Second Substitute Senate Bill No. 5276 was substituted for Senate Bill No. 5276 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Warnick moved that the following amendment no. 143 by Senator Warnick be adopted:

On page 2, line 32, after “samples” strike “without heat applied” and insert “or other approved testing method”

On page 3, after line 14, insert the following:

“(4) Immediately upon the effective date of this section, and before the adoption of rules implementing this chapter, persons licensed to grow hemp under chapter 15.120 RCW may produce hemp in a manner otherwise consistent with the provisions of this chapter and the agriculture improvement act of 2018.”

On page 4, beginning on line 11, after “food.” strike all material through “state.” on line 18 and insert “The department shall regulate the processing of hemp for food products, that are allowable under federal law, in the same manner as other food processing under chapters 15.130 and 69.07 RCW and may adopt rules as necessary to properly regulate the processing of hemp for food products including, but not limited to, establishing standards for creating hemp extracts used for food.”

On page 5, line 28, after “zone” insert “without the evaluation of sufficient data showing impacts to either crop as a result of cross-pollination”

On page 20, line 30, after “RCW.” insert “The department may not adopt rules without the evaluation of sufficient data showing impacts to either crop as a result of cross-pollination.”

Senator Warnick spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 143 by Senator Warnick on page 2, line 32 to Second Substitute Senate Bill No. 5276.

The motion by Senator Warnick carried and amendment no. 143 was adopted by voice vote.

MOTION

On motion of Senator Warnick, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5276 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Van De Wege spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5276.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5276 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5276, 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. 5874, by Senators Warnick, Billig, Becker, Short, Fortunato, Rivers, Walsh, O'Ban, Bailey, Wilson, L., Holy, Wagoner and Wellman

Funding rural satellite skill centers.

MOTION

On motion of Senator Warnick, Substitute Senate Bill No. 5874 was substituted for Senate Bill No. 5874 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Warnick moved that the following amendment no. 382 by Senator Warnick be adopted:

On page 2, beginning on line 10, after "operational and" strike all material through "year" on line 11 and insert "has secured agreements for at least one year with two or more rural districts in the area to accept and enroll students in the center"

Senators Warnick and Wellman spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 382 by Senator Warnick on page 2, line 10 to Substitute Senate Bill No. 5874.

The motion by Senator Warnick carried and amendment no. 382 was adopted by voice vote.

MOTION

On motion of Senator Warnick, the rules were suspended, Engrossed Substitute Senate Bill No. 5874 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick, Wellman and Short spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5874.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5874 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5874, 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. 5088, by Senators Wellman, Palumbo and Mullet

Awarding credits for computer science.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Senate Bill No. 5088 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5088.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5088 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SENATE BILL NO. 5088, having received the constitutional

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majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

favor of passage of the bill.

SECOND READING

SENATE BILL NO. 5354, by Senators Rivers, Rolfes, Becker, Brown, Wilson, C. and Kuderer

Concerning programs for highly capable students.

MOTIONS

On motion of Senator Rivers, Substitute Senate Bill No. 5354 was substituted for Senate Bill No. 5354 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rivers, the rules were suspended, Substitute Senate Bill No. 5354 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers, Wellman and Wagoner spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5354.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5354 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SUBSTITUTE SENATE BILL NO. 5354, 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. 5612, by Senators Rivers, Salomon, Frockt, Wilson, C., Carlyle, Billig, Wellman, Zeiger, Warnick, Palumbo, Pedersen, Van De Wege, Hasegawa, Holy, Hunt, Keiser, Kuderer, Liias and O'Ban

Concerning Holocaust education.

MOTIONS

On motion of Senator Salomon, Substitute Senate Bill No. 5612 was substituted for Senate Bill No. 5612 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Salomon, the rules were suspended, Substitute Senate Bill No. 5612 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Salomon, Frockt, Billig, Wilson, C., Becker, Ericksen, Fortunato, Rivers, Sheldon, Braun, Darneille, Wagoner, Kuderer, Conway, O'Ban, Honeyford and Hasegawa spoke in

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5612.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5612 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SUBSTITUTE SENATE BILL NO. 5612, 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. 5662, by Senators Palumbo, Carlyle, Rolfes, Mullet, Nguyen, Hobbs, Liias, Pedersen and Braun

Concerning cloud computing solutions.

MOTION

On motion of Senator Palumbo, Second Substitute Senate Bill No. 5662 was substituted for Senate Bill No. 5662 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Palumbo moved that the following striking amendment no. 384 by Senator Palumbo be adopted:

Strike everything after the enacting clause and insert the following:

“**Sec. 1.** RCW 43.105.020 and 2017 c 92 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) “Agency” means the consolidated technology services agency.

(2) “Board” means the technology services board.

(3) “Customer agencies” means all entities that purchase or use information technology resources, telecommunications, or services from the consolidated technology services agency.

(4) “Director” means the state chief information officer, who is the director of the consolidated technology services agency.

(5) “Enterprise architecture” means an ongoing activity for translating business vision and strategy into effective enterprise change. It is a continuous activity. Enterprise architecture creates, communicates, and improves the key principles and models that describe the enterprise’s future state and enable its evolution.

(6) “Equipment” means the machines, devices, and transmission facilities used in information processing, including but not limited to computers, terminals, telephones, wireless communications system facilities, cables, and any physical

facility necessary for the operation of such equipment.

(7) "Information" includes, but is not limited to, data, text, voice, and video.

(8) "Information security" means the protection of communication and information resources from unauthorized access, use, disclosure, disruption, modification, or destruction in order to:

- (a) Prevent improper information modification or destruction;
- (b) Preserve authorized restrictions on information access and disclosure;
- (c) Ensure timely and reliable access to and use of information; and

(d) Maintain the confidentiality, integrity, and availability of information.

(9) "Information technology" includes, but is not limited to, all electronic technology systems and services, automated information handling, system design and analysis, conversion of data, computer programming, information storage and retrieval, telecommunications, requisite system controls, simulation, electronic commerce, radio technologies, and all related interactions between people and machines.

(10) "Information technology portfolio" or "portfolio" means a strategic management process documenting relationships between agency missions and information technology and telecommunications investments.

(11) "K-20 network" means the network established in RCW 43.41.391.

(12) "Local governments" includes all municipal and quasi-municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately.

(13) "Office" means the office of the state chief information officer within the consolidated technology services agency.

(14) "Oversight" means a process of comprehensive risk analysis and management designed to ensure optimum use of information technology resources and telecommunications.

(15) "Proprietary software" means that software offered for sale or license.

(16) "Public agency" means any agency of this state or another state; any political subdivision or unit of local government of this state or another state including, but not limited to, municipal corporations, quasi-municipal corporations, special purpose districts, and local service districts; any public benefit nonprofit corporation; any agency of the United States; and any Indian tribe recognized as such by the federal government.

(17) "Public benefit nonprofit corporation" means a public benefit nonprofit corporation as defined in RCW 24.03.005 that is receiving local, state, or federal funds either directly or through a public agency other than an Indian tribe or political subdivision of another state.

(18) "Public record" has the definitions in RCW 42.56.010 and chapter 40.14 RCW and includes legislative records and court records that are available for public inspection.

(19) "Public safety" refers to any entity or services that ensure the welfare and protection of the public.

(20) "Security incident" means an accidental or deliberative event that results in or constitutes an imminent threat of the unauthorized access, loss, disclosure, modification, disruption, or destruction of communication and information resources.

(21) "State agency" means every state office, department, division, bureau, board, commission, or other state agency, including offices headed by a statewide elected official.

(22) "Telecommunications" includes, but is not limited to, wireless or wired systems for transport of voice, video, and data communications, network systems, requisite facilities, equipment, system controls, simulation, electronic commerce,

and all related interactions between people and machines.

(23) "Utility-based infrastructure services" includes personal computer and portable device support, servers and server administration, security administration, network administration, telephony, email, and other information technology services commonly used by state agencies.

(24) "Cloud computing" has the same meaning as provided by the special publication 800-145 issued by the national institute of standards and technology of the United States department of commerce as of September 2011.

NEW SECTION. Sec. 2. A new section is added to chapter 43.105 RCW to read as follows:

(1) State agencies must adopt third-party, commercial cloud computing solutions for any new information technology or telecommunications investments except as provided in subsection (2) of this section. Prior to selecting and implementing a cloud computing solution, state agencies must evaluate:

(a) The ability of the cloud computing solution to meet security and compliance requirements for all workload types including low, moderate, and high impact data, leveraging defined federal authorization or accreditation programs to the fullest extent possible; and

(b) The portability of data, should the state agency choose to discontinue use of the cloud service.

(2) State agencies must receive a waiver from the office if there is a service requirement that prohibits the adoption of a cloud computing solution, as required in subsection (1) of this section.

(a) Waivers must be based on written justification from the requesting state agency citing specific services or performance requirements for not utilizing a cloud computing solution.

(b) Information on waiver applications, requested and granted, must be submitted by the office to the appropriate committees of the legislature by December 30th each calendar year.

(3) State agencies are prohibited from installing and operating servers, storage, networking, and related hardware in agency-operated facilities unless a waiver is granted by the office or otherwise allowed by statewide policy.

(4) Subject to the availability of amounts appropriated for this specific purpose, the office must conduct a statewide cloud computing readiness assessment to prepare for the migration of core services to cloud services, including ways it can leverage cloud computing to reduce costs. The assessment must:

(a) Inventory state agency assets, associated service contracts, and other relevant information;

(b) Identify impacts to state agency staffing resulting from the migration to cloud computing including: (i) Skill gaps between current on-premises computing practices and how cloud services are procured, secured, administered, maintained, and developed; and (ii) necessary retraining and ongoing training and development to ensure state agency staff maintain the skills necessary to effectively maintain information security and understand changes to enterprise architectures; and

(c) Identify additional resources needed by the agency to enable sufficient cloud migration support to state agencies.

(5) By June 30, 2020, the office must submit a report to the governor and the appropriate committees of the legislature that summarizes statewide cloud migration readiness and makes recommendations for migration goals.

(6) Subject to the availability of amounts appropriated for this specific purpose, the agency must oversee and provide technical specifications to the department of enterprise services who must conduct competitive procurements processes to identify no more than three contracts per procurement to provide cloud computing services and to provide system migration support. The procurement process must be reopened and contracts must be

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renegotiated at a minimum every five years.

(7) This section does not apply to institutions of higher education.

NEW SECTION. Sec. 3. RCW 43.105.375 (Use of state data center—Business plan and migration schedule for state agencies—Exceptions) and 2015 3rd sp.s. c 1 s 219 & 2011 1st sp.s. c 43 s 735 are each repealed.”

On page 1, line 1 of the title, after “solutions;” strike the remainder of the title and insert “amending RCW 43.105.020; adding a new section to chapter 43.105 RCW; and repealing RCW 43.105.375.”

Senators Palumbo and Ericksen spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 384 by Senator Palumbo to Second Substitute Senate Bill No. 5662.

The motion by Senator Palumbo carried and striking amendment no. 384 was adopted by voice vote.

MOTION

On motion of Senator Palumbo, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5662 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Palumbo, Ericksen, Carlyle, Brown, Becker and Braun spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5662.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5662 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O’Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5662, 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 11:42 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of caucus.

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

AFTERNOON SESSION

The Senate was called to order at 12:04 p.m. by President Pro Tempore Keiser.

SECOND READING

SENATE JOINT RESOLUTION NO. 8201, by Senators Wellman, Carlyle, Cleveland, Conway, Dhingra, Palumbo, Pedersen, Hunt, Wilson, C., Keiser, Kuderer, Saldaña, Takko and Van De Wege

Amending the Constitution to allow a simple majority of voters voting to authorize school district bonds.

MOTION

On motion of Senator Liias, Substitute Senate Joint Resolution No. 8201 was substituted for Senate Joint Resolution No. 8201 and the substitute resolution was placed on the second reading and read the second time.

MOTION

Senator Zeiger moved that the following amendment no. 383 by Senator Zeiger be adopted:

Beginning on page 1, line 3, strike all material through “state.” on page 4, line 18 and insert the following:

“THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VII, section 2 of the Constitution of the state of Washington and an amendment to Article IX of the Constitution of the state of Washington by adding a new section to read as follows:

Article VII, section 2. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one percent of the true and fair value of such property in money. Nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term “taxing district” for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only as follows:

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed initial levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of voters voting “yes” on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy when the number of voters voting on the proposition exceeds forty percent of the number of voters voting in such taxing district in the last preceding general election. Notwithstanding any other provision of this

Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools or fire protection districts may provide such support for a period of up to four years and any proposition to levy an additional tax to support the construction, modernization, or remodelling of school facilities or fire facilities may provide such support for a period not exceeding six years. Notwithstanding any other provision of this subsection, a proposition under this subsection to levy an additional tax for a school district shall be authorized by a majority of the voters voting on the proposition, regardless of the number of voters voting on the proposition;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the voters of the taxing district voting on the proposition to issue such bonds and to pay the principal and interest thereon by annual tax levies in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of voters voting on the proposition shall constitute not less than forty percent of the total number of voters voting in such taxing district at the last preceding general election. Any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein. Notwithstanding any other provision of this subsection (b), a proposition under this subsection to levy an additional tax for a school district to pay principal and interest on bonds as provided under this subsection (b) shall be authorized by at least fifty-five percent of the voters voting on the proposition, regardless of the number of voters voting on the proposition, if the proposition is approved at the general election. The provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

Article IX, section . . . State prevailing wage laws do not apply to public works undertaken by, or under contract for, the board of education of any school district.

BE IT FURTHER RESOLVED, That this amendment is a single amendment within the meaning of Article XXIII, section 1 of the state Constitution.

The legislature finds that the changes contained in this amendment constitute a single integrated plan for funding school construction projects. If this amendment is held to be separate amendments, this joint resolution is void in its entirety and is of no further force and effect.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.”

POINT OF ORDER

Senator Liias: “Thank you Madam President. In reading the language proposed in the amendment, it appears to exceed the scope and object of the underlying joint resolution, Madam

President. It adds provisions relating to prevailing wage laws not only for capital projects that would be affected by the new voting threshold but by all capital projects undertaken by the school district. The capital projects and the prevailing wage laws that apply to them or not a subject of the underlying amendment and certainly the prevailing wage laws applying to other capital projects not discussed by the amendment originally also are not subject of this joint resolution. So, I believe this is outside the scope and object of the underlying joint resolution.”

Senator Zeiger: “Well, thank you Madam President. We are dealing here with a proposed constitutional amendment that would govern the process by which school bonds are approved and certainly in my opinion this falls under the scope of that particular topic. We are talking about the threshold for which the threshold for approval of those bonds but also what happens when those bonds are approved and so I think this is entirely appropriate Thank you.”

MOTION

On motion of Senator Liias, further consideration of Substitute Senate Joint Resolution No. 8201 was deferred and the resolution held its place on the second reading calendar.

The Senate resumed consideration of Substitute Senate Joint Resolution No. 8201 which had been deferred earlier in the day.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Keiser: “On the point of order raised by Senator Liias, the President finds and rules as follows: Senate Joint Resolution 8201 relates entirely with the, changing the vote threshold for school district bond elections. It allows a simple majority vote to pass a school bond regardless of the number of votes in the last general election. That is all. Amendment no. 383 by Senators Zeiger would add an entirely second subject, the prevailing wage, and would allow districts to not use prevailing wage in any school construction project whether approved by simple majority by sixty percent or other. The amendment then is impermissible and seeks to expand the scope of the underlying bill. I would also note that, although the objection was not raised by Senator Liias, this amendment appears to violate the single subject rule as well. Senator Liias, this point is well taken.”

PARLIAMENTARY INQUIRY

Senator Braun: “Thank you Madam President. I just want to make sure I understand. So, you’re ruling differentiated between the use of prevailing wage for school construction and other construction projects, is that, is that accurate?”

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Keiser: “My ruling was that the amendment was out of scope because it did not deal solely with the subject of the bill.”

Senator Braun: “Alright, thank you Madam President.”

Senator Wellman moved that the rules be suspended and Substitute Senate Joint Resolution No. 8201 be advanced to third reading, the second reading considered the third and the resolution be placed on final passage.

Senator Zeiger objected to the motion by Senator Wellman to

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advance the resolution.

MOTION

On motion of Senator Liias, further consideration of Substitute Senate Joint Resolution No. 8201 was deferred and the resolution held its place on the second reading calendar.

The Senate resumed consideration of Substitute Senate Joint Resolution No. 8201 which had been deferred earlier in the day.

MOTION

Senator Zeiger moved that the following amendment no. 385 by Senator Zeiger be adopted:

Beginning on page 1, line 3, strike all material through "state." on page 4, line 18 and insert the following:

"THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VII, section 2 of the Constitution of the state of Washington and an amendment to Article IX of the Constitution of the state of Washington by adding a new section to read as follows:

Article VII, section 2. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one percent of the true and fair value of such property in money. Nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only as follows:

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed initial levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of voters voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy when the number of voters voting on the proposition exceeds forty percent of the number of voters voting in such taxing district in the last preceding general election. Notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools or fire protection districts may provide such support for a period of up to four years and any proposition to levy an additional tax to support the construction, modernization, or remodelling of school facilities or fire facilities may provide such support for a period

not exceeding six years. Notwithstanding any other provision of this subsection, a proposition under this subsection to levy an additional tax for a school district shall be authorized by a majority of the voters voting on the proposition, regardless of the number of voters voting on the proposition;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the voters of the taxing district voting on the proposition to issue such bonds and to pay the principal and interest thereon by annual tax levies in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of voters voting on the proposition shall constitute not less than forty percent of the total number of voters voting in such taxing district at the last preceding general election. Any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein. Notwithstanding any other provision of this subsection (b), a proposition under this subsection to levy an additional tax for a school district to pay principal and interest on bonds as provided under this subsection (b) shall be authorized by at least fifty-five percent of the voters voting on the proposition, regardless of the number of voters voting on the proposition, if the proposition is approved at the general election. The provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

BE IT FURTHER RESOLVED, That this amendment is a single amendment within the meaning of Article XXIII, section 1 of the state Constitution.

The legislature finds that the changes contained in this amendment constitute a single integrated plan for funding school construction projects. If this amendment is held to be separate amendments, this joint resolution is void in its entirety and is of no further force and effect.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

Senator Zeiger spoke in favor of adoption of the amendment.

Senator Liias moved to table amendment no. 385.

Senator Short objected to the motion by Senator Liias to table the amendment.

Senator Liias spoke in favor of the motion by Senator Liias to table the amendment.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Liias to table amendment no. 385.

The motion by Senator Liias to table amendment no. 385 carried and the amendment was laid upon the table by a rising vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Substitute Senate Joint Resolution No. 8201 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Wellman, Randall, Pedersen, Conway, Wilson, C., Hunt, Hobbs and Palumbo spoke in favor of passage of the resolution.

Senators Schoesler, Zeiger, Fortunato, Ericksen, Warnick, Short, Hawkins, Sheldon and Braun spoke against passage of the resolution.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Joint Resolution No. 8201.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Resolution No. 8201 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

SUBSTITUTE SENATE JOINT RESOLUTION NO. 8201, having failed to receive the constitutionally-required two-thirds majority, was declared lost.

MOTION

At 1:07 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of lunch.

The Senate was called to order at 2:34 p.m. by President Habib.

SECOND READING

SENATE BILL NO. 5263, by Senator Zeiger

Concerning school bus driver requirements.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, Senate Bill No. 5263 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger, Wellman and Warnick spoke in favor of passage of the bill.

REMARKS BY THE PRESIDENT

President Habib: "That's an important skill set to have, how to manage a set of unwieldy individuals as you preside over them in a certain way, so [Laughter] ... In that vein, before we, before,

before we go any further, thank you all for saying it's nice to have me back. Of course, as always, I want to say thank you to Senator Karen Keiser, who I understand has been fighting through a cold and has been presiding through all of that while also chairing committee and seeing those bills through and her own substantial set of policies. So, it may end up getting repetitive, but I will always thank her and Senator Conway and I understand also Senator Hasegawa. So, for everyone who stepped up, thank you so much for doing that these past couple days."

The President declared the question before the Senate to be the final passage of Senate Bill No. 5263.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5263 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Absent: Senator Ericksen

SENATE BILL NO. 5263, 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. 5067, by Senator Zeiger

Modifying certain common school provisions.

MOTIONS

On motion of Senator Zeiger, Substitute Senate Bill No. 5067 was substituted for Senate Bill No. 5067 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Zeiger moved that the following amendment no. 333 by Senators Zeiger and Warnick be adopted:

On page 3, after line 32, insert the following:

"**Sec. 3.** RCW 28A.300.080 and 1983 1st ex.s. c 34 s 1 are each amended to read as follows:

(1) The legislature recognizes that agriculture is the most basic and singularly important industry in the state, that agriculture is of central importance to the welfare and economic stability of the state, and that the maintenance of this vital industry requires a continued source of trained and qualified individuals who qualify for employment in agriculture, food, and natural resource career pathways.

(2) The legislature finds that research shows that students enrolled in a career and technical education program in high school have a higher graduation rate than other students, and that the agricultural education branch of career and technical education fosters an understanding of the history and principles of agriculture, agriscience, manufacturing, agribusiness,

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leadership, advocacy, and community service.

(3) The legislature, therefore, intends to promote comprehensive and formal instruction in agricultural education, and membership in the corresponding career and technical student organizations, to provide students with the opportunity to:

- (a) Develop fundamental leadership and communication skills;
 - (b) Develop an applied understanding of the agricultural industry and its potential;
 - (c) Explore and understand career opportunities through supervised agricultural experiences;
 - (d) Engage with industry mentors; and
 - (e) Plan for career and college success.
- (4) In an effort to assist actions of schools to offer career and technical education courses, the legislature intends to support dropout prevention programs and career readiness, and improve learning opportunities and educational outcomes in agriculture, food, and natural resource education.

(5) The legislature declares that it is within the best interests of the people and state of Washington that a comprehensive ((vocational—education)) program in agriculture education through career and technical education be maintained in the state’s secondary school system in order to ensure both an adequate supply of trained and skilled individuals, and appropriate representation of sexual orientation, racial, and ethnic groups in all phases of the agricultural, food, and natural resource supply chain.

Sec. 4. RCW 28A.300.090 and 1983 1st ex.s. c 34 s 2 are each amended to read as follows:

(1) ((A—vocational)) An agriculture education ((service area within)) program must be established as a career and technical education program in the office of the superintendent of public instruction ((shall be established)). The program must serve the agriculture, food, and natural resource career cluster. Adequate funding for the staffing of individuals trained or experienced in the field of ((vocational—agriculture shall be provided for the vocational)) agriculture education ((service area for coordination of the state)) must be provided for program ((and to)) oversight.

(2) The program must provide assistance to ((local)) school districts ((for the coordination of the)) and coordinate its activities ((of)) with applicable career and technical student ((agricultural)) organizations ((and associations)). The program staff members must include, but are not limited to, a 1.0 FTE supervisor of agriculture education employed by the office of the superintendent of public instruction, and any additional staff member deemed appropriate.

((2)) (3) The ((vocational—agriculture—education—service—area)) program supervisor shall:

- (a) Assess needs in ((vocational)) agriculture ((education)), food, and natural resource sciences, assist local school districts in establishing ((vocational)) agriculture programs, review local school district applications for approval of ((vocational)) agriculture programs, evaluate existing programs, and plan research and studies for the improvement of curriculum materials for specialty areas of ((vocational)) agriculture. Standards and criteria developed under this subsection shall satisfy the mandates of federally-assisted ((vocational)) career and technical education;
- (b) Develop in-service programs for teachers and administrators of ((vocational)) agriculture education, review applications for ((vocational)) career and technical education agriculture teacher certification, and assist in teacher recruitment and placement in ((vocational)) career and technical education agriculture programs;
- (c) Serve ((as a liaison with)) on the ((Future Farmers of America)) Washington FFA association board of directors,

consisting of representatives of business, industry, and appropriate public agencies, and institutions of higher education in order to disseminate information, promote improvement of ((vocational)) career and technical education agriculture programs, and assist in the development of adult and continuing education programs in ((vocational)) agriculture; ((and))

- (d) Serve as the FFA state advisor for Washington; and
- (e) Establish an advisory task force committee of agriculturists, who represent the diverse areas of the agricultural industry in Washington, which shall make annual recommendations including, but not limited to, the development of curriculum, staffing, strategies for the purpose of establishing a source of trained and qualified individuals in agriculture, and strategies for articulating the state program in ((vocational)) agriculture education, including youth leadership throughout the state school system.

(4) For the purposes of this section, “agriculture, food, and natural resource career cluster area” means a program of study requiring the student to:

- (a) Complete courses in the following areas:
 - (i) Agribusiness systems;
 - (ii) Animal systems;
 - (iii) Biotechnology systems;
 - (iv) Environmental service systems;
 - (v) Food products and processing systems;
 - (vi) Natural resource systems;
 - (vii) Plant systems; and
 - (viii) Power, structural, and technical systems;
- (b) Develop a supervised agriculture experience extended learning program that is supervised by the student’s agriculture educator; and
- (c) Be engaged in a career and technical student organization.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The legislature finds that career and technical student organizations prepare students to enter a postsecondary education institute and a career. The legislature finds also that barriers for agriculture education students should be removed.

(2) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall provide every student enrolled in an agriculture education pathway course approved by the office of the superintendent of public instruction, based on annual June 1st enrollment, with state and national membership to the corresponding career and technical student organizations.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.300 RCW to read as follows:

The office of the superintendent of public instruction, in consultation with the board of directors of the Washington FFA association, shall adopt and periodically revise rules to implement RCW 28A.300.090 and section 5 of this act.”

On page 1, line 1 of the title, after “modifying” strike the remainder of the title and insert “provisions related to second grade reading assessments, revising requirements for the building bridges program, and modifying provisions governing an existing vocational agriculture education service area program; amending RCW 28A.175.025, 28A.300.310, 28A.300.080, and 28A.300.090; and adding new sections to chapter 28A.300 RCW.”

Senators Zeiger, Wellman and Short spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 333 by Senators Zeiger and Warnick

on page 3, after line 32 to Substitute Senate Bill No. 5067.

The motion by Senator Zeiger carried and amendment no. 333 was adopted by voice vote.

MOTION

On motion of Senator Zeiger, the rules were suspended, Engrossed Substitute Senate Bill No. 5067 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger, Wellman and Warnick 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. 5067.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5067 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

ENGROSSED SUBSTITUTE SENATE BILL NO. 5067, 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. 5731, by Senator Short

Concerning petitions for proposed transfer of school district territory.

The measure was read the second time.

MOTION

On motion of Senator Short, the rules were suspended, Senate Bill No. 5731 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Short and Wellman 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. 5731.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5731 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers,

Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SENATE BILL NO. 5731, 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. 5363, by Senators Palumbo, Wagoner, Hunt, Mullet and Liias

Extending the property tax exemption for new and rehabilitated multiple-unit dwellings in urban centers.

MOTIONS

On motion of Senator Palumbo, Substitute Senate Bill No. 5363 was substituted for Senate Bill No. 5363 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Zeiger and without objection, amendment no. 338 by Senator Zeiger on page 2, line 11 to Substitute Senate Bill No. 5363 was withdrawn.

MOTION

Senator Ericksen moved that the following amendment no. 351 by Senator Ericksen be adopted:

On page 3, after line 25, insert the following:

“(8) The exemptions under subsections (1)(a)(ii)(A) and (6) of this section only apply to a local government:

(a) Whose transportation infrastructure has received a grade of at least B or better from the department of transportation’s level of service report; and

(b) Has demonstrated that the resulting new construction will not result in a reduction in transportation level of service.”

Senators Ericksen and Becker spoke in favor of adoption of the amendment.

Senator Palumbo spoke against adoption of the amendment.

Senator Zeiger spoke on adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 351 by Senator Ericksen on page 3, after line 25 to Substitute Senate Bill No. 5363.

The motion by Senator Ericksen did not carry and amendment no. 351 was not adopted by voice vote.

MOTION

On motion of Senator Palumbo, the rules were suspended, Substitute Senate Bill No. 5363 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Palumbo spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5363.

ROLL CALL

The Secretary called the roll on the final passage of Substitute

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Senate Bill No. 5363 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hawkins, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Palumbo, Pedersen, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Hasegawa, Honeyford, King, Padden, Randall, Short and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5363, 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. 5366, by Senators Wagoner, Mullet, Rivers, Palumbo, Rolfes, Brown, Honeyford, Wilson, L. and Zeiger

Expanding the property tax exemption for new and rehabilitated multiple-unit dwellings in urban centers.

MOTIONS

On motion of Senator Wagoner, Substitute Senate Bill No. 5366 was substituted for Senate Bill No. 5366 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Wagoner, the rules were suspended, Substitute Senate Bill No. 5366 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wagoner and Kuderer 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. 5366.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5366 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Hasegawa, King and Randall

SUBSTITUTE SENATE BILL NO. 5366, 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.

POINT OF ORDER

President Habib: "The President would like to clarify a Point of Order before we continue on the second reading calendar. Senator Liias, earlier today when the President Pro Tempore was presiding, I understand that you made a motion that prevailed on

the question of restricting speeches among other things to one per senator under Rule 29 with the exception of the maker of the motion could speak to close debate and last year or in the past I have construed that narrowly to say that final passage of a bill is not a motion. And so, in the past, we've clarified that issue. I just want to be sure that everyone is on the same page. Is it your, was it your intent on making that motion, or is your intent now that the prime sponsor of the bill also have the opportunity to speak twice, including to close debate on final passage?"

Senator Liias: "Mr. President my, my intent was to use the same policy we used last year so if there are words that we could use to state that motion more clearly for tomorrow happy to include that."

President Habib: "So, without objection, the rule as adopted earlier the restriction will remain in place except that the maker, the prime sponsor of a bill will also have the opportunity to speak to close debate on final passage. Hearing no objections, so ordered."

SECOND READING

SENATE BILL NO. 5441, by Senators Nguyen, Wilson, C., Darneille, Cleveland, Salomon, Randall, Hasegawa and Kuderer

Extending rental vouchers for eligible offenders.

MOTIONS

On motion of Senator Nguyen, Substitute Senate Bill No. 5441 was substituted for Senate Bill No. 5441 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Nguyen, the rules were suspended, Substitute Senate Bill No. 5441 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen, Walsh and O'Ban 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. 5441.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5441 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

SUBSTITUTE SENATE BILL NO. 5441, 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. 5051, by Senators O'Ban, Brown,

Palumbo and Wagoner

Incentivizing the development of commercial office space in cities with a population of greater than fifty thousand and located in a county with a population of less than one million five hundred thousand. Revised for 1st Substitute: Incentivizing the development of commercial office space in cities with a population of greater than fifty thousand and located in a county with a population of less than one million five hundred thousand.

MOTIONS

On motion of Senator O'Ban, Substitute Senate Bill No. 5051 was substituted for Senate Bill No. 5051 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator O'Ban moved that the following striking amendment no. 007 by Senators O'Ban and Mullet be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the cost of developing high-quality, commercial office space is prohibitive in cities located outside of a major metropolitan area. The legislature finds these cities have designated urban centers and plan to locate high-quality, commercial office space within those urban centers. The legislature also finds that solely planning for commercial office space within urban centers is inadequate and an incentive should be created to stimulate the development of new commercial office space in urban centers. The legislature intends to provide these cities with local options to incentivize the development of commercial office space in urban centers with access to transit, high capacity transportation systems, and other amenities.

NEW SECTION. Sec. 2. (1) A governing authority of a city may adopt a local sales and use tax exemption program to incentivize the development of class A commercial office space in urban centers with access to transit, high capacity transportation systems, and other amenities.

(2) A governing authority of a city may adopt a local property tax exemption program to incentivize the development of class A commercial office space in urban centers with access to transit, high capacity transportation systems, and other amenities.

NEW SECTION. Sec. 3. In order to use the sales and use tax exemption authorized in section 2 of this act, a city must:

(1) Obtain written agreement for the use of the local sales tax exemption from any taxing authority that imposes a sales or use tax under chapters 82.14 or 81.104 RCW. The agreement must be authorized by the governing body of such participating taxing authorities;

(2) Hold a public hearing on the proposed use of the exemption.

(a) Notice of the hearing must be published in a legal newspaper of general circulation at least ten days before the public hearing and posted in at least six conspicuous public places located within one mile of the proposed location of a qualifying project.

(b) Notices must describe the qualifying project and estimate the amount of revenue exempted under this section.

(c) The public hearing may be held by either the governing body of a city, or a committee of the governing body that includes at least a majority of the whole governing body;

(3)(a) Establish criteria for a qualifying project exempted under section 6 of this act. Criteria must include:

(i) A minimum number of new family living wage jobs for location within the qualifying project; and

(ii) The physical characteristics, features, and amenities necessary for a qualifying project to be defined as class A commercial office space.

(b) Criteria may also include height, density, public benefit features, quality of amenities, number and size of proposed development, parking, employment targets, percent occupied, or other adopted requirements indicated necessary by the city; and

(4) Adopt an ordinance announcing the use of the sales and use tax exemptions under sections 6 and 7 of this act. The ordinance must:

(a) Describe the qualifying project, including a physical description of proposed building or buildings, a list of features and amenities, cost of construction, length that the qualifying project will be under construction, and final use such as residential, commercial, or mixed use;

(b) Estimate the amount of local sales tax revenue that will be exempted under sections 6 and 7 of this act;

(c) Provide the approximate date that the local sales tax revenue will be remitted to a taxpayer; and

(d) Certify the criteria under this section by which a qualifying project can later receive certification under sections 6(3) and 7(3) of this act confirming that a taxpayer is eligible for the remittance.

NEW SECTION. Sec. 4. (1) In order to use the property tax exemption authorized under section 2 of this act, a city must:

(a) Establish the criteria under which property can qualify for the exemption under section 9 of this act. Criteria:

(i) Must include: (A) A minimum number of new family living wage jobs for location within the qualifying project;

(B) The physical characteristics, features, and amenities necessary for a qualifying project to be defined as class A commercial office space;

(C) A location in a designated commercial office development targeted area; and

(ii) May also include height, density, public benefit features, quality of amenities, number and size of proposed development, parking, employment targets, percent occupied, or other adopted requirements indicated necessary by the city;

(b) Designate an area as a commercial office development targeted area. The following criteria must be met before an area may be designated as a commercial office development targeted area:

(i) The area must be within an urban center, as determined by the governing authority;

(ii) The area must lack, as determined by the governing authority, sufficient available, desirable, high-quality, and convenient commercial office space to provide jobs in the urban center, if the desirable, attractive, and convenient commercial office space was available;

(iii) The providing of additional commercial office space development opportunities in the area, as determined by the governing authority, will assist in achieving one or more of the stated purposes of this chapter; and

(iv) The use of the incentive in this chapter is not expected to be used for the purpose of relocating a business from outside of the commercial office development targeted area, but within the state, to within the commercial office development targeted area. The incentive may be used for the expansion of a business, including the development of additional offices or satellite facilities.

(2) For the purpose of designating a commercial office development targeted area or areas, the governing authority must adopt a resolution of intention to so designate an area as generally described in the resolution. The resolution must state the time and

place of a hearing to be held by the governing authority to consider the designation of the area and must include, at a minimum, findings as to the number of commercial office buildings that will be newly constructed or rehabilitated within the proposed commercial office development targeted areas, estimated construction costs of the new construction or rehabilitation, estimated local taxes generated, and jobs produced within the targeted area in a period of ten years from the date of the hearing, and may include such other information pertaining to the designation of the area as the governing authority determines to be appropriate to apprise the public of the action intended.

(3) The governing authority must give notice of a hearing held under this chapter by publication of the notice once each week for two consecutive weeks, not less than seven days, nor more than thirty days before the date of the hearing in a paper having a general circulation in the city or county where the proposed commercial office development targeted area is located. The notice must state the time, date, place, and purpose of the hearing and generally identify the area proposed to be designated as a commercial office development targeted area.

(4) Following the hearing, the governing authority may designate all or a portion of the area described in the resolution of intent as a commercial office development targeted area if it finds, in its sole discretion, that the criteria in subsections (1) and (2) of this section have been met.

(5) After designation of a commercial office development targeted area, the governing authority must adopt and implement standards and guidelines to be utilized in considering applications and making the determinations required under section 12 of this act. The standards and guidelines must establish basic requirements for both new construction and rehabilitation, which must include:

- (a) Application process and procedures;
- (b) Requirements that address demolition of existing structures and site utilization;
- (c) Building requirements that may include elements addressing parking, height, density, environmental impact, and compatibility with the existing surrounding property and such other amenities as will attract and keep commercial tenants and that will properly enhance the commercial office development targeted area in which they are to be located; and
- (d) Guidelines regarding individual units that are part of a qualifying project that may meet the requirements of the exemption in chapter 84.-- RCW (the new chapter created in section 21 of this act).

NEW SECTION. Sec. 5. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "City" means a city located in a county with a population of less than one million five hundred thousand.
- (2) "Class A" means among the most competitive and highest quality building or buildings in the local market, as determined by a city's governing authority. High quality must be reflected in the finishes, construction, and infrastructure of the project building. The building or buildings must be at least fifty thousand square feet, and at least three stories. The building must be centrally located in a city, provide close access to public transportation and freeways, be managed professionally, and offer amenities and advanced technology options to tenants.
- (3) "Commercial office development targeted area" means an area within an urban center or urban growth area that has been designated by the governing authority as a commercial office development targeted area in accordance with this chapter.
- (4) "County" means a county with a population of less than one million five hundred thousand.

(5) "Family living wage job" means a job with a wage that is sufficient for raising a family. A family living wage job must have an average wage of eighteen dollars an hour or more, working two thousand eighty hours per year, as adjusted annually by the consumer price index. The family living wage may be increased by the local authority based on regional factors and wage conditions.

(6) "Governing authority" means the local legislative authority of a city or a county having jurisdiction over the property for which an exemption may be applied for under this chapter.

(7) "Mixed use" means any building or buildings containing a combination of residential and commercial units, whether title to the entire property is held in single or undivided ownership or title to individual units is held by owners who also, directly or indirectly through an association, own real property in common with the other unit owners.

(8) "Qualifying project" means new construction or rehabilitation of a building or group of buildings intended for use as class A office space. Projects may include mixed use buildings, not solely intended to be used as office space, but does not include any portion of a project intended for residential use.

(9) "Rehabilitation" means modifications to an existing building or buildings made to achieve substantial improvements such that the building or buildings can be categorized as class A.

(10) "Rehabilitation improvements" means modifications to an existing building or buildings made to achieve substantial improvements in quality, features, or amenities, such that the building or buildings can be categorized as class A as determined by a city's governing authority.

(11) "Relocating a business" means the closing of a business and the reopening of that business, or the opening of a new business that engages in the same activities as the previous business, in a different location within a one-year period, when an individual or entity has an ownership interest in the business at the time of closure and at the time of opening or reopening. "Relocating a business" does not include the closing and reopening of a business in a new location where the business has been acquired and is under entirely new ownership at the new location, or the closing and reopening of a business in a new location as a result of the exercise of the power of eminent domain.

(12) "Urban center" means a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain:

- (a) Several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, and governmental agencies;
- (b) Adequate public facilities including streets, sidewalks, lighting transit, domestic water, and sanitary sewer systems; and
- (c) A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office use, or both commercial and office use.

NEW SECTION. Sec. 6. A new section is added to chapter 82.14 RCW to read as follows:

- (1) Subject to the requirements of this section and section 3 of this act, a taxpayer is eligible for an exemption from the sales and use taxes imposed under the authority of this chapter on:
 - (a) The sale of or charge made for labor and services rendered in respect to construction or rehabilitation of a qualifying project located in a city; and
 - (b) The sale or use of tangible personal property that will be incorporated as an ingredient or component of a qualifying project located in a city during the course of the constructing or rehabilitating.
- (2)(a) The exemption in this section is in the form of a

remittance. A taxpayer claiming an exemption under this section must pay all applicable state and local sales and use taxes on all activities qualifying for the exemption.

(b) The amount of the exemption is one hundred percent of the local sales and use taxes paid under the authority of this chapter for activities qualifying under subsection (1) of this section, if the taxing authorities imposing taxes authorized under this chapter have authorized the use of the exemption to the governing authority of a city as provided under section 3(1) of this act.

(3)(a) After the qualifying project has been operationally complete for four years, but not later than five years after all state and local sales and use tax for activities qualifying under subsection (1) of this section has been paid, a taxpayer may apply to the department for a remittance of local sales and use taxes.

(b) A taxpayer requesting a remittance under this section must obtain certification from the governing authority of a city verifying that the qualifying project has satisfied the criteria in section 3 of this act.

(c) The taxpayer must specify the amount of exempted tax claimed and the qualifying activities for which the exemption is claimed. The taxpayer must retain, in adequate detail, records to enable the department to determine whether the taxpayer is entitled to an exemption under this section, including invoices, proof of tax paid, and construction contracts.

(d) The department must determine eligibility under this section based on information provided by the taxpayer, which is subject to audit verification by the department.

(4) The definitions in section 5 of this act apply to this section.

NEW SECTION. Sec. 7. A new section is added to chapter 81.104 RCW to read as follows:

(1) Subject to the requirements of this section and section 3 of this act, a taxpayer is eligible for an exemption from the tax imposed under the authority of RCW 81.104.170.

(2)(a) The exemption in this section is in the form of a remittance. A taxpayer claiming an exemption under this section must pay all applicable state and local sales taxes imposed or authorized under RCW 82.08.020, 82.12.020, section 6 of this act, and this chapter on all activities qualifying for the exemption as described in section 6(1) of this act.

(b) The amount of the exemption is one hundred percent of the local sales and use taxes paid under this chapter for activities qualifying under (a) of this subsection, if the taxing authorities imposing sales and use taxes authorized under this chapter have authorized the use of the exemption to the governing authority of a city as provided under section 3(1) of this act.

(3)(a) After the qualifying project has been operationally complete for four years, but not later than five years after all local sales and use tax for activities qualifying under subsection (2)(a) of this section has been paid, a taxpayer may apply to the department for a remittance of local sales and use taxes.

(b) A taxpayer requesting a remittance under this section must obtain certification from the governing authority of a city verifying that the qualifying project has satisfied the criteria in section 3 of this act.

(c) The taxpayer must specify the amount of exempted tax claimed and the qualifying activities for which the exemption is claimed. The taxpayer must retain, in adequate detail, records to enable the department to determine whether the taxpayer is entitled to an exemption under this section, including invoices, proof of tax paid, and construction contracts.

(d) The department must determine eligibility under this section based on information provided by the taxpayer, which is subject to audit verification by the department.

(4) The definitions in section 5 of this act apply to this section.

Sec. 8. RCW 81.104.170 and 2015 3rd sp.s. c 44 s 320 are each amended to read as follows:

(1) Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, public transportation benefit areas, high capacity transportation corridor areas, and regional transit authorities may submit an authorizing proposition to the voters and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter, solely for the purpose of providing high capacity transportation service.

(2) The tax authorized pursuant to this section is in addition to the tax authorized by RCW 82.14.030 and must be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district.

(a) Except for the tax imposed under (b) of this subsection by regional transit authorities that include a county with a population of more than one million five hundred thousand, the maximum rate of such tax must be approved by the voters and may not exceed one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The maximum rate of such tax that may be imposed may not exceed nine-tenths of one percent in any county that imposes a tax under RCW 82.14.340, or within a regional transit authority if any county within the authority imposes a tax under RCW 82.14.340.

(b) The maximum rate of such tax that may be imposed by a regional transit authority that includes a county with a population of more than one million five hundred thousand must be approved by the voters and may not exceed 1.4 percent. If a regional transit authority imposes the tax authorized under this subsection (2)(b) in excess of 0.9 percent, the authority may not receive any state grant funds provided in an omnibus transportation appropriations act except transit coordination grants created in chapter 11, Laws of 2015 3rd sp. sess.

(3)(a) The exemptions in RCW 82.08.820 and 82.12.820 are for the state portion of the sales and use tax and do not extend to the tax authorized in this section.

(b) The exemptions in RCW 82.08.962 and 82.12.962 are for the state and local sales and use taxes and include the tax authorized by this section.

(c) The exemptions in section 7 of this act are for the local sales and use taxes and include the tax authorized by this section.

NEW SECTION. Sec. 9. (1) In a city that has met the requirements of section 4 of this act, the value of new construction and rehabilitation improvements of real property qualifying under this chapter is exempt from the city share of ad valorem property taxation for a period of ten successive years beginning January 1st of the calendar year immediately following the calendar year in which a certificate of tax exemption is filed with the county assessor in accordance with section 13 of this act.

(2) Upon approval by a county legislative authority, the value of new construction and rehabilitation improvements of real property qualifying under this chapter is exempt from all property taxes levied by a county legislative authority for a period of ten successive years beginning January 1st of the calendar year immediately following the calendar year in which a certificate of tax exemption is filed with the county assessor in accordance with section 13 of this act.

(3) The exemptions provided in subsections (1) and (2) of this section do not include the value of land or improvements not qualifying under this chapter.

(4) When a local government adopts guidelines pursuant to section 4 of this act and includes conditions that must be satisfied with respect to individual commercial units, rather than with respect to the qualifying project as a whole or some minimum

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portion thereof, the exemption may, at the local government's discretion, be limited to the value of the improvements allocable to those individual commercial units that meet the local guidelines.

(5) In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to the submission of the application required under this chapter.

(6) This chapter does not apply to increases in assessed valuation made by the assessor on nonqualifying portions of building and value of land nor to increases made by lawful order of a county board of equalization, the department of revenue, or a county to a class of property throughout the county or specific area of the county to achieve the uniformity of assessment or appraisal required by law.

(7) At the conclusion of the exemption period, the new or rehabilitated property must be considered as new construction for the purposes of chapter 84.55 RCW.

(8) The incentive provided by this chapter is in addition to any other incentives, tax credits, grants, or other incentives provided by law.

NEW SECTION. Sec. 10. An owner of property making application under this chapter must meet the following requirements:

(1) The qualifying project must be located in an urban center as designated by the city or county;

(2) The qualifying project must meet criteria as adopted by the governing authority under section 4 of this act that may include height, density, public benefit features, quality of amenities, number and size of proposed development, parking, and other adopted requirements indicated necessary by the city or county. The required amenities should be relative to the size of the project and tax benefit to be obtained;

(3) A qualifying project must be completed within three years from the date of approval of the application;

(4) The applicant must enter into a contract with the city approved by the governing authority, or an administrative official or commission authorized by the governing authority, under which the applicant has agreed to the implementation of the development on terms and conditions satisfactory to the governing authority.

NEW SECTION. Sec. 11. An owner of property seeking tax incentives under this chapter must complete the following procedures:

(1) In the case of rehabilitation or where demolition or new construction is required, the owner must secure from the governing authority or duly authorized representative, before commencement of rehabilitation improvements or new construction, verification of property noncompliance with applicable building codes;

(2) The owner must apply to the city on forms adopted by the governing authority. The application must contain the following:

(a) Information setting forth the grounds supporting the requested exemption including information indicated on the application form or in the guidelines;

(b) A statement of the expected number of new family living wage jobs to be created;

(c) A description of the project and site plan; and

(d) A statement that the applicant is aware of the potential tax liability involved when the property ceases to be eligible for the incentive provided under this chapter;

(3) The applicant must verify the application by oath or affirmation; and

(4) The application may be accompanied by the application fee,

if any, required under section 14 of this act. The governing authority may permit the applicant to revise an application before final action by the governing authority.

NEW SECTION. Sec. 12. The duly authorized administrative official or committee of the city may approve the application if it finds that:

(1) The proposed qualifying project meets the criteria as defined by the city in section 4 of this act, including the minimum number of new family living wage jobs to be created for permanent location in the qualifying project within one year of building occupancy;

(2) The proposed project is or will be, at the time of completion, in conformance with all local plans and regulations that apply at the time the application is approved;

(3) The owner has complied with all standards and guidelines adopted by the city under section 4 of this act; and

(4) The site is located in a commercial office development targeted area of an urban center or urban growth area that has been designated by the governing authority in accordance with procedures and guidelines indicated under section 4 of this act.

NEW SECTION. Sec. 13. (1) The governing authority or an administrative official or commission authorized by the governing authority must approve or deny an application filed under this chapter within ninety days after receipt of the application.

(2) If the application is approved, the city must issue the owner of the property a conditional certificate of acceptance of tax exemption. The certificate must contain a statement by a duly authorized administrative official of the governing authority that the property has complied with the required findings indicated in section 12 of this act.

(3) If the application is denied by the authorized administrative official or commission authorized by the governing authority, the deciding administrative official or commission must state in writing the reasons for denial and send the notice to the applicant at the applicant's last known address within ten days of the denial.

(4) Upon denial by a duly authorized administrative official or commission, an applicant may appeal the denial to the governing authority within thirty days after issuance of the denial. The appeal before the governing authority must be based upon the record made before the administrative official with the burden of proof on the applicant to show that there was no substantial evidence to support the administrative official's decision. The decision of the governing body in denying or approving the application is final.

NEW SECTION. Sec. 14. The governing authority may establish an application fee. This fee may not exceed an amount determined to be required to cover the cost to be incurred by the governing authority and the assessor in administering this chapter. The application fee must be paid at the time the application for limited exemption is filed. If the application is approved, the governing authority shall pay the application fee to the county assessor for deposit in the county current expense fund, after first deducting that portion of the fee attributable to its own administrative costs in processing the application. If the application is denied, the governing authority may retain that portion of the application fee attributable to its own administrative costs and refund the balance to the applicant.

NEW SECTION. Sec. 15. (1) Upon completion of rehabilitation or new construction for which an application for a limited tax exemption under this chapter has been approved and after issuance of the certificate of occupancy, the owner must file with the city the following:

(a) A statement of the amount of rehabilitation or construction expenditures made;

(b) A statement of the new family living wage jobs to be created for location at the qualifying project;

(c) A description of the work that has been completed and a statement that the rehabilitation improvements or new construction on the owner's property qualify the property for limited exemption under this chapter;

(d) If applicable, a statement that the project meets the local requirements as described in section 10 of this act; and

(e) A statement that the work has been completed within three years of the issuance of the conditional certificate of tax exemption.

(2) Within thirty days after receipt of the statements required under subsection (1) of this section, the authorized representative of the city must determine whether the work completed, and the affordability of the units, is consistent with the application and the contract approved by the city and is qualified for a limited tax exemption under this chapter. The city must also determine which specific improvements completed meet the requirements and required findings.

(3) If the rehabilitation or construction is completed within three years of the date the application for a limited tax exemption is filed under this chapter, or within an authorized extension of this time limit, and the authorized representative of the city determines that improvements were constructed consistent with the application and other applicable requirements, and the owner's property is qualified for a limited tax exemption under this chapter, the city must file the certificate of tax exemption with the county assessor within ten days of the expiration of the thirty-day period provided under subsection (2) of this section.

(4) The authorized representative of the city must notify the applicant that a certificate of tax exemption is not going to be filed if the authorized representative determines that:

(a) The rehabilitation or new construction was not completed within three years of the application date, or within any authorized extension of the time limit;

(b) The improvements were not constructed consistent with the application or other applicable requirements;

(c) If applicable, the additional criteria related to a qualifying project under section 4 of this act were not met; or

(d) The owner's property is otherwise not qualified for limited exemption under this chapter.

(5) If the authorized representative finds that construction or rehabilitation of a qualifying project was not completed within the required time period due to circumstances beyond the control of the owner and that the owner has been acting and could reasonably be expected to act in good faith and with due diligence, the governing authority or the city official authorized by the governing authority may extend the deadline for completion of construction or rehabilitation for a period not to exceed twenty-four consecutive months.

(6) The governing authority may provide by ordinance for an appeal of a decision by the deciding officer or authority that an owner is not entitled to a certificate of tax exemption to the governing authority, a hearing examiner, or other city officer authorized by the governing authority to hear the appeal in accordance with such reasonable procedures and time periods as provided by ordinance of the governing authority. The owner may appeal a decision by the deciding officer or authority that is not subject to local appeal or a decision by the local appeal authority that the owner is not entitled to a certificate of tax exemption in superior court under RCW 34.05.510 through 34.05.598, if the appeal is filed within thirty days of notification by the governing authority to the owner of the decision being challenged.

NEW SECTION. Sec. 16. (1) Thirty days after the anniversary of the date of the certificate of tax exemption and each year for the tax exemption period, the owner of the rehabilitated or newly constructed property must file with a designated authorized representative of the city or the governing authority an annual report indicating the following:

(a) A statement of the family living wage jobs at the qualifying project as of the anniversary date;

(b) A certification by the owner that the property has not changed use and, if applicable, that the property has been in compliance with all criteria under sections 4 and 11 of this act since the date of the certificate approved by the governing authority;

(c) A description of changes or improvements constructed after issuance of the certificate of tax exemption; and

(d) Any additional information requested by the governing authority in regards to the units receiving a tax exemption.

(2) All cities, which issue certificates of tax exemption for class A commercial office space that conform to the requirements of this chapter, must publish on the city's web site, or in another format that is easily available to the public, annually by December 31st of each year, beginning in 2019, the following information:

(a) The number of tax exemption certificates granted;

(b) A description of the new construction and rehabilitation improvements of any qualifying projects;

(c) The value of the tax exemption for each project receiving a tax exemption and the total value of tax exemptions granted;

(d) The number of family living wage jobs located at the qualifying project; and

(e) A comparison of the data required in this section with the data included in the findings developed when the commercial office development targeted area was established.

NEW SECTION. Sec. 17. (1) If improvements have been exempted under this chapter, the improvements continue to be exempted for the applicable period under this chapter, so long as they are not converted to another use and continue to satisfy all applicable conditions. If the owner intends to convert the qualifying project to another use or, if applicable, if the owner intends to discontinue compliance with criteria established under section 4(1) of this act or any other condition to exemption, the owner must notify the assessor within sixty days of the change in use or intended discontinuance. If, after a certificate of tax exemption has been filed with the county assessor, the authorized representative of the governing authority discovers that the property or a portion of the property no longer qualifies according to the requirements of this chapter as previously approved or agreed upon by contract between the city and the owner and that the qualifying project, or a portion of the qualifying project, no longer qualifies for the exemption, the tax exemption must be canceled and the following must occur:

(a) Additional real property tax must be imposed upon the value of the nonqualifying improvements in the amount that would normally be imposed, plus a penalty must be imposed amounting to twenty percent. This additional tax is calculated based upon the difference between the property tax paid and the property tax that would have been paid if it had included the value of the nonqualifying improvements dated back to the date that the improvements were converted to a use that no longer qualifies them for the exemption;

(b) The tax must include interest upon the amounts of the additional tax at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the improvements had been assessed at a value without regard to this chapter; and

(c) The additional tax owed together with interest and penalty

must become a lien on the land and attach at the time that the property or portion of the property no longer qualifies for the exemption, and has priority to and must be fully paid and satisfied before a recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes. An additional tax unpaid on its due date is delinquent. From the date of delinquency until paid, interest must be charged at the same rate applied by law to delinquent ad valorem property taxes.

(2) Upon a determination that a tax exemption is to be canceled for a reason stated in this section, the governing authority or authorized representative must notify the record owner of the property as shown by the tax rolls by mail, return receipt requested, of the determination to cancel the exemption. The owner may appeal the determination to the governing authority or authorized representative, within thirty days by filing a notice of appeal with the clerk of the governing authority, which notice must specify the factual and legal basis on which the determination of cancellation is alleged to be erroneous. The governing authority or a hearing examiner or other official authorized by the governing authority may hear the appeal. At the hearing, all affected parties may be heard and all competent evidence received. After the hearing, the deciding body or officer must either affirm, modify, or repeal the decision of cancellation of exemption based on the evidence received. An aggrieved party may appeal the decision of the deciding body or officer to the superior court under RCW 34.05.510 through 34.05.598.

NEW SECTION. Sec. 18. (1) If a property exempted under section 9 of this act changes ownership, the property must continue to qualify for the exemption provided that the new owner complies with all application procedures, terms, conditions, and reporting requirements under this chapter, and meets all criteria established by a city under section 4 of this act.

(2) The exemption is limited to ten successive years, beginning the January 1st immediately following the calendar year in which a certificate of tax exemption is filed by the city with the county assessor in accordance with section 13 of this act.

NEW SECTION. Sec. 19. The definitions in section 5 of this act apply to this chapter.

NEW SECTION. Sec. 20. Sections 2 through 5 of this act constitute a new chapter in Title 35 RCW.

NEW SECTION. Sec. 21. Sections 9 through 19 of this act constitute a new chapter in Title 84 RCW.

NEW SECTION. Sec. 22. Sections 6 and 7 of this act apply to sales and use taxes due on or after October 1, 2019.

NEW SECTION. Sec. 23. Sections 9 through 18 of this act apply to taxes levied for collection in 2020 and thereafter.”

On page 1, beginning on line 2 of the title, after “cities” strike the remainder of the title and insert “located in a county with a population of less than one million five hundred thousand; amending RCW 81.104.170; adding a new section to chapter 82.14 RCW; adding a new section to chapter 81.104 RCW; adding a new chapter to Title 35 RCW; adding a new chapter to Title 84 RCW; and creating new sections.”

Senator O’Ban spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 007 by Senators O’Ban and Mullet to Substitute Senate Bill No. 5051.

The motion by Senator O’Ban carried and striking amendment

no. 007 was adopted by voice vote.

MOTION

On motion of Senator O’Ban, the rules were suspended, Engrossed Substitute Senate Bill No. 5051 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O’Ban and Mullet 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. 5051.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5051 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Keiser, King, Kuderer, Lovelett, McCoy, Mullet, Nguyen, O’Ban, Padden, Palumbo, Rivers, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Ericksen, Hasegawa, Hunt, Liias, Pedersen, Randall, Rolfes and Saldaña

ENGROSSED SUBSTITUTE SENATE BILL NO. 5051, 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. 5078, by Senators Kuderer, Hunt, Darneille, Saldaña, Conway, Frockt, Palumbo, Wellman, Pedersen, Mullet and Van De Wege

Requiring disclosure of federal income tax returns of presidential and vice presidential candidates prior to appearing on the ballot.

The measure was read the second time.

MOTION

Senator Sheldon moved that the following amendment no. 359 by Senator Sheldon be adopted:

On page 1, line 11, after “(a)” insert “Publicly disclose the candidate’s grade point averages for all high school and postsecondary schools the candidate attended, and if the candidate graduated, their rank within the class; and

(b)(i)”

On page 1, at the beginning of line 15, strike “(b)(i)” and insert “(ii)(A)”

On page 1, line 16, after “in” strike “(a)” and insert “(b)(i)”

On page 1, at the beginning of line 17, strike “(ii)” and insert “(B)”

On page 1, line 20, after “returns” insert “, grade point averages, or class rankings,”

POINT OF ORDER

Senator Liias: “Thank you Mr. President. I believe that this

amendment falls outside the scope and object of the bill. The underlying bill is designed to obtain federal income tax returns from presidential and vice presidential candidates with the purpose of improving transparency into the financial affairs of presidential and vice presidential candidates and this amendment goes far beyond that to high school and other data points that aren't related to federal income tax returns. I would also say, Mr. President, as you deliberate on this one, that I intend to bring similar objections to the other amendments as they all appear to be outside the scope and object so, to expedite our consideration today, it might be helpful to take a look at all of them although I'm glad to bring separate points for each one."

President Habib: "Okay, so you intend to bring similar scope and object point of orders with respect to all of the amendments that are offered on this bill?"

Senator Liias: "Yes."

President Habib: "Okay. They are not all offered by the same senator is my understanding. One second. So the way we do this tonight, we're going have one opportunity for senator to respond but I am going to follow the suggestion, the implicit suggestion by Senator Liias, and actually consider all of these at the same time. So I will allow Senator Sheldon to respond to this and then, and then also Senator Erickson, who has amendments that would also be challenged. So, Senator Sheldon."

Senator Sheldon: "Thank you Mr. President. I would like to have these amendments, my three amendments certainly, and Senator Ericksen could speak to his, considered by the body. I think that the issue of including someone's federal income taxes in the Voters' Pamphlet is just as relevant as the three amendments that I have. And Mr. President, I have a special connection here because I graduated with Senator or President Trump from the University of Pennsylvania. He was in Class of '68. I was the Class of '69. Now, that may not have any bearing on it ... but Mr. President I think that this is a bill that invites other opportunities for qualifications."

President Habib: "Senator Ericksen, would you like to speak to the scoping? Just so you all are clear, the amendment, the only amendment that is before the Senate right now is the one that has been read in. But, for the sake of efficiency, I'm going to consider all of them and then depending on, irrespective actually, of how, what the ruling is anticipated will be, we will read all the amendments in so they will all be read and brought before the Senate no matter what the ultimate ruling, dispensation of the ruling on scope and object for those will be, but I am going to consider them all one time just for sanity's sake. Senator Ericksen."

Senator Ericksen: "Well thank you but I am a little confused on that Mr. President. I need a point of clarification. I have two amendments that I proposed to this piece of legislation both of which include a title amendment within my particular amendment. I have not heard an objection yet to my amendments so I don't know how to respond yet since point of order on scope and object has not been raised yet to the amendments I have in front of the body so I don't think it's timely for me to respond to that yet."

President Habib: "It's a fair point. Senator Liias, would you like to speak to any of the amendments put forward by Senator Ericksen as to why they are not in the scope and object in more particularity?"

Senator Liias: "Yes. Thank you Mr. President. One of Senator Ericksen's amendments, number 343, relates to the speaker and minority leader of the house, of the state representative, and the majority, minority leaders of the state Senate which are outside the scope of the bill which is intending to get transparency into presidential and vice presidential candidates very clearly. Similarly, amendment 344 purports to extend the bill to candidates for United States Senate and United States House of Representatives again, both clearly outside the scope and original object of the bill which is to provide transparency into the finances and financial information of candidates for the presidency and vice presidency the United States."

President Habib: "Senator Ericksen."

Senator Ericksen: "Well thank you Mr. President. I believe that the underlying bill deals with transparency of our government, not simply related to one office within government but all offices within the government that we, that we serve here. And so, if it's good to know what our president believes, why not get a know what the majority leader of the senate? See his tax returns. The minority leader the senate? Speaker the house? All politics are local. And so there are two different amendments. One deals at the federal level for our U.S. senators and our U.S. House of Representatives so there's a federal amendment that we should know the answers to those questions also to become an informed electorate. I believe it falls completely within the scope and title which is transparency of tax returns for elected officials, particularly those at high levels. And I believe that is what the underlying bill gets to. Those at the highest level should have their tax returns made public. What is more high in the state of Washington than the U.S. senator? And here locally what is a greater position than speaker of the house? Or majority leader of the Senate? Should they not have their tax returns also made public so the public can make an informed decision going forward? I believe the amendment clearly falls within the scope and object based upon the title amendment included within each amendment that I provided today."

President Habib: "All right, the President's going to consider these scope and object challenges both the one that's before the Senate and the one which notice has been given."

MOTION

On motion of Senator Liias, further consideration of Senate Bill No. 5078 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5687, by Senators Bailey, Braun, Holy, Becker, Brown, Warnick and Walsh

Allowing new government employees the option of opting out of retirement system membership if the employee is age sixty or older when first hired, or when the employee's employer opts into retirement plan participation.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5687 was substituted for Senate Bill No. 5687 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5687 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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Senator Bailey 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. 5687.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5687 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Conway, Hasegawa and Van De Wege

SUBSTITUTE SENATE BILL NO. 5687, 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. 5308, by Senators Short and Liias

Concerning performance-based contracting services by energy service contractors.

MOTIONS

On motion of Senator Short, Second Substitute Senate Bill No. 5308 was substituted for Senate Bill No. 5308 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Short, the rules were suspended, Second Substitute Senate Bill No. 5308 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Short and Carlyle spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Pedersen: "My question Mr. President is whether I am permitted to vote on this measure?"

President Habib: "Senator Pedersen, one moment, we did not anticipate this."

Senator Pedersen: "I didn't anticipate this either."

President Habib: "Senator Pederson, could you disclose what, any kind of salient information that would give you the need to have this point of clarification? Not knowing enough, I have a general sense of your job outside the legislature, but if you could ask a more tailored question about where a potential conflict would exist that I could then rule on."

Senator Pedersen: "Thank you Mr. President. In my outside employment I am the Vice President, General Counsel for McKinstry, which is a large energy service contractor qualified by the Department of Enterprise Services to provide services under our RCW 39.35A and 39.35C and in fact does so. I'm..."

President Habib: "And to the best of your knowledge, is it either disproportionately large, command a disproportionately large percentage of market share in our state? Or is – and without asking you to disclose private information – or would it be in a class of providers? That is, how large is the class of providers be, that it would fit?"

Senator Pedersen: "Mr. President, I don't, I probably should know, but I don't know exactly how many, how many service providers there are. I think that it is maybe in the couple of dozen range so it's a relatively small class and McKinstry's share of that work is substantial. The market share is substantial."

President Habib: "Senator Pedersen, one final question: Is it a privately held company?"

Senator Pedersen: "Yes."

President Habib: "It's a private. Of which you also own equity?"

Senator Pedersen: "And I am one, a small, but one of the equity owners."

President Habib: "Senator Pedersen, I don't have sufficient facts to give you a kind of dispositive ruling. What I would suggest is, and permit as President, is for you to recuse yourself in an abundance of caution, given the information you've shared. It's not my, in other words, it's not my ruling that it would be a conflict but I think that, in an abundance of caution, it would be in order and well received for you to recuse yourself from the vote."

Senator Pedersen: "Thank you Mr. President. That is my inclination as well so I appreciate that and will. I don't know how that gets reflected, but I will recuse myself from the vote. Thank you."

With the consent of the Senate, Senator Pedersen was excused.

EDITOR'S NOTE: Rule 22(1) states, 'No senator shall be allowed to vote ... upon any question upon which he or she is in any way personally or directly interested ...'

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5308.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5308 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Randall, Rivers, Rolfes, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Hasegawa and Saldaña

Excused: Senator Pedersen

SECOND SUBSTITUTE SENATE BILL NO. 5308, 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. 5139, by Senators Honeyford, Hunt, Van De Wege, Fortunato and Pedersen

Concerning daylight saving time in Washington state.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5139 was substituted for Senate Bill No. 5139 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following striking amendment no. 120 by Senators Honeyford and Mullet be adopted:

Strike everything after the enacting clause and insert the following:

“NEW SECTION. Sec. 1. The legislature finds that the state of Washington would benefit from the consistency and predictability of observing a standard time throughout the calendar year. Research has shown that changing to and from daylight saving time twice per year has negative impacts on public health, increases traffic accidents and crime, disrupts agriculture scheduling, and hinders economic growth. Scientific studies have connected a number of health consequences with the act of switching between standard time and daylight saving time, including greater risks of heart attacks, more frequent workplace injuries, and increased suicide rates in the days immediately following the switch. In addition, there have been other political subdivisions within the United States that are petitioning congress for year-round daylight saving time or changed their time zone over the years to create more consistency across the United States for convenience of commerce. Therefore, the legislature intends to observe daylight saving time year-round if authorized by the United States congress; and also review the potential impact the time zone has on communities along the border between Washington and other states to determine whether the state should seek authorization through the United States department of transportation to change Washington state to mountain standard time year-round if year-round daylight saving time is not authorized by congress.

Sec. 2. RCW 1.20.051 and 2018 c 22 s 2 are each amended to read as follows:

~~((At two o'clock antemeridian Pacific Standard Time of the second Sunday in March each year the time of the state of Washington shall be advanced one hour, and at two o'clock antemeridian Pacific Standard Time of the first Sunday in November in each year the time of the state of Washington shall, by the retarding of one hour, be returned to Pacific Standard Time-))~~ (1) The standard time for the state of Washington is the zone designated by the United States department of transportation for the state of Washington under the uniform time act, 15 U.S.C. Secs. 261 and 263, as determined by reference to coordinated universal time.

(2) The standard time within the state shall advance by one hour commencing at two o'clock antemeridian on the second Sunday in March each year and ending at two o'clock antemeridian on the first Sunday in November each year.

(3) If the United States congress amends 15 U.S.C. Sec. 260a to authorize states to observe daylight saving time year-round, it is the intent of the legislature that daylight saving time be the year-round standard time of the entire state and all of its political subdivisions.

Sec. 3. RCW 35A.21.190 and 1967 ex.s. c 119 s 35A.21.190 are each amended to read as follows:

No code city shall adopt any provision for the observance of daylight saving time other than as authorized by RCW (~~1.20.050 and~~) 1.20.051.

NEW SECTION. Sec. 4. A new section is added to chapter 1.20 RCW to read as follows:

(1) The standard time for the state is permanent daylight saving time year-round.

(2) Permanent daylight saving time within the state is that of the fifth zone designated by federal law as Pacific Standard Time, 15 U.S.C. Secs. 261 and 263, advanced by one hour.

Sec. 5. RCW 35A.21.190 and 2019 c . . . s 3 (section 3 of this act) are each amended to read as follows:

No code city shall adopt any provision for the observance of daylight saving time other than as authorized by (~~RCW 1.20.051~~) section 4 of this act.

NEW SECTION. Sec. 6. RCW 1.20.051 (Daylight saving time) and 2019 c . . . s 2 (section 2 of this act), 2018 c 22 s 2, 1963 c 14 s 1, & 1961 c 3 s 1 (Initiative Measure No. 210, approved November 8, 1960) are each repealed.

NEW SECTION. Sec. 7. RCW 1.20.050 (Standard time—Daylight saving time) and 1953 c 2 s 1 are each repealed.

NEW SECTION. Sec. 8. (1) Sections 4 through 6 of this act take effect on the second Sunday in March in the year following the effective date of legislation passed by United States congress amending 15 U.S.C. Secs. 260a to authorize states to observe daylight saving time year-round.

(2) The department of commerce must provide notice of the effective date of sections 4 through 6 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department.

NEW SECTION. Sec. 9. 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 1, line 1 of the title, after “state;” strike the remainder of the title and insert “amending RCW 1.20.051, 35A.21.190, and 35A.21.190; adding a new section to chapter 1.20 RCW; creating a new section; repealing RCW 1.20.051 and 1.20.050; providing a contingent effective date; and providing for submission of this act to a vote of the people.”

Senators Honeyford and Hunt spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 120 by Senators Honeyford and Mullet to Substitute Senate Bill No. 5139.

The motion by Senator Honeyford carried and striking amendment no. 120 was adopted by voice vote.

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 5139 was advanced to third

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reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Mullet and Lias 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. 5139.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5139 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Lovelett, Sheldon and Takko

ENGROSSED SUBSTITUTE SENATE BILL NO. 5139, 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. 5290, by Senators Darneille, Wellman, Kuderer, Randall, Palumbo, Das, Hasegawa, McCoy, Nguyen, Saldaña and Wilson C.

Eliminating the use of the valid court order exception to place youth in detention for noncriminal behavior.

MOTION

On motion of Senator Darneille, Second Substitute Senate Bill No. 5290 was substituted for Senate Bill No. 5290 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Braun moved that the following striking amendment no. 185 by Senator Braun be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that it is a goal of our state to divert juveniles who have committed status offenses, behaviors that are prohibited under law only because of an individual's status as a minor, away from the juvenile justice system because a stay in detention is a predictive factor for future criminal justice system involvement. The legislature finds that use of the valid court order exception to detain youth for acts like truancy, breaking curfew, or running away from home is counterproductive and may worsen outcomes for at-risk youth.

(2) The legislature further finds that these youth should not be confined with or treated with the same interventions as criminal offenders. The legislature also finds that studies show a disproportionality in race, gender, and socioeconomic status of youth referred to courts or detained, or both. Likewise, the legislature finds that community-based interventions are more effective at addressing underlying causes of status offenses than

detention and can reduce court caseloads and lower system costs. As a result, it is the intent of the legislature to strengthen and fund community-based programs that are culturally relevant and focus on addressing disproportionality of youth of color, especially at-risk youth.

NEW SECTION. Sec. 2. A new section is added to chapter 7.21 RCW to read as follows:

(1) It is the policy of the state of Washington to reduce the use of juvenile detention as a remedy for contempt of a valid court order for youth under chapters 13.34 and 28A.225 RCW and child in need of services petition youth under chapter 13.32A RCW. As of July 1, 2019, such youth may not be committed to juvenile detention as a contempt sanction under chapter 13.32A, 13.34, or 28A.225 RCW, and a warrant may not be issued for such youth for failure to appear at a court hearing that requires commitment of such youth to juvenile detention other than pursuant to RCW 13.32A.250(3)(b).

(2)(a) It is also the policy of the state of Washington to reduce the use of juvenile detention as a remedy for contempt of a valid court order for at-risk youth under chapter 13.32A RCW by July 1, 2021. After this date, at-risk youth may not be committed to juvenile detention as a contempt sanction under chapter 13.32A RCW, and a warrant may not be issued for failure to appear at a court hearing that requires commitment of the at-risk youth to juvenile detention other than pursuant to RCW 13.32A.250(3)(b).

(b) Any at-risk youth committed to juvenile detention as a sanction for contempt under chapter 13.32A RCW, or for failure to appear at a court hearing under chapter 13.32A RCW, must be detained in such a manner so that no direct communication or physical contact may be made between the youth and any youth who is detained to juvenile detention pursuant to a violation of criminal law, unless these separation requirements would result in a youth being detained in solitary confinement.

Sec. 3. RCW 7.21.030 and 2001 c 260 s 6 are each amended to read as follows:

(1) The court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of a person aggrieved by a contempt of court in the proceeding to which the contempt is related. Except as provided in RCW 7.21.050, the court, after notice and hearing, may impose a remedial sanction authorized by this chapter.

(2) If the court finds that the person has failed or refused to perform an act that is yet within the person's power to perform, the court may find the person in contempt of court and impose one or more of the following remedial sanctions:

(a) Imprisonment if the contempt of court is of a type defined in RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so long as it serves a coercive purpose.

(b) A forfeiture not to exceed two thousand dollars for each day the contempt of court continues.

(c) An order designed to ensure compliance with a prior order of the court.

(d) Any other remedial sanction other than the sanctions specified in (a) through (c) of this subsection if the court expressly finds that those sanctions would be ineffectual to terminate a continuing contempt of court.

(e) ~~((In cases))~~ Under chapters 13.32A, 13.34, and 28A.225 RCW and subject to the requirements under RCW 13.32A.250(3)(b), commitment to juvenile detention for a period of time not to exceed ~~((seven days))~~ seventy-two hours, excluding Saturdays, Sundays, and holidays. The seventy-two hour period shall commence upon the next nonholiday weekday following the court order and shall run to the end of the last nonholiday weekday within the seventy-two hour period. This sanction may

be imposed in addition to, or as an alternative to, any other remedial sanction authorized by this chapter. This remedy is specifically determined to be a remedial sanction. All such remedial sanctions may not be imposed more than four times during a thirty-day period.

(3) The court may, in addition to the remedial sanctions set forth in subsection (2) of this section, order a person found in contempt of court to pay a party for any losses suffered by the party as a result of the contempt and any costs incurred in connection with the contempt proceeding, including reasonable attorney's fees.

(4) If the court finds that a person under the age of eighteen years has willfully disobeyed the terms of an order issued under chapter 10.14 RCW, the court may find the person in contempt of court and may, as a sole sanction for such contempt, commit the person to juvenile detention for a period of time not to exceed seven days.

Sec. 4. RCW 13.32A.250 and 2000 c 162 s 14 are each amended to read as follows:

(1) In all child in need of services proceedings and at-risk youth proceedings, the court shall verbally notify the parents and the child of the possibility of a finding of contempt for failure to comply with the terms of a court order entered pursuant to this chapter. Except as otherwise provided in this section, the court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties under this section.

(2) Failure by a party in an at-risk youth proceeding to comply with an order entered under this chapter is a civil contempt of court as provided in RCW 7.21.030(2)(e), subject to the limitations of subsection (3) of this section.

(3) For at-risk youth proceedings only:

(a) If the child fails to comply with the court order, the court may impose:

(i) Community restitution;

(ii) Nonresidential programs with intensive wraparound services;

(iii) A requirement that the child meet with a mentor for a specified number of times; or

(iv) Other services and interventions that the court deems appropriate.

(b) The court may impose remedial sanctions including a fine of up to one hundred dollars and confinement for up to ~~(seven days)~~ seventy-two hours, or both for contempt of court under this section upon issuing formal written findings that it: (i) Considered, on the record, the mitigating and aggravating factors used to determine the appropriateness of detention for enforcement of its order; (ii) affirmed that it considered all less restrictive options, that detention is the only appropriate alternative, including its rationale and the clear, cogent, and convincing evidence used to enforce the order; (iii) afforded the same due process considerations that it affords all youth in a criminal contempt proceeding; and (iv) sought input from all relevant parties, including the youth. The seventy-two hour period excludes Saturdays, Sundays, and holidays and shall commence upon the next nonholiday weekday following the court order and shall run to the end of the last nonholiday weekday within the seventy-two hour period. The court may impose no more than four such seventy-two hour periods in a thirty-day period.

~~((4))~~ (c) A child placed in confinement for contempt under this section shall be placed in confinement only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

~~((5))~~ (4) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency,

organization, or person having custody of the child under a court order adopted pursuant to this chapter.

~~((6))~~ (5) For at-risk youth proceedings only, whenever the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered under this chapter, the court must direct the court clerk to command the presence of the child by the issuance of a summons or other method approved by local court rule instead of a warrant, unless the court finds probable cause to believe that the child would not appear in response to the command or finds probable cause to believe that the arrest is necessary to prevent serious bodily harm to the juvenile or another, in which case the court may issue a warrant. A warrant of arrest must be supported by an affidavit or sworn testimony, which must be recorded electronically or by stenographer, establishing the grounds for issuing the warrant. The warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present if the child named in the warrant is a pupil at the school. The court must communicate the summons to the child through mail, telephone, text message, or other method of communication needed in order to ensure the child has received the information. If the child fails to appear via the summons or other method, the court may issue an order directing law enforcement to pick up and take the child to detention. ((The order may be entered ex parte without prior notice to the child or other parties. Following the child's admission to detention, a detention review hearing must be held in accordance with RCW 13.32A.065.))

Sec. 5. RCW 13.32A.040 and 2000 c 123 s 3 are each amended to read as follows:

(1) If requested by the family, the department must provide families who are in conflict or who are experiencing problems with at-risk youth or a child who may be in need of services ~~((may request))~~ with family reconciliation services, or its successor program, from the department before or once a petition is filed. The department should provide these services in a timely manner once requested by the family. The department may involve a local multidisciplinary team in its response in determining the services to be provided and in providing those services. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible. Family reconciliation services shall be designed to develop skills and supports within families to resolve problems related to at-risk youth, children in need of services, or family conflicts. These services may include, but are not limited to, referral to services for suicide prevention, psychiatric or other medical care, or psychological, mental health, drug or alcohol treatment, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family, and training in parenting, conflict management, and dispute resolution skills.

(2) The department must report to the appropriate committees of the legislature annually, beginning by December 31, 2019, on the use of family reconciliation services or its successor program, any significant reductions or outcomes within the program, and any recommendations for improvement.

Sec. 6. RCW 13.32A.150 and 2000 c 123 s 17 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, the juvenile court shall not accept the filing of a child in need of services petition by the child or the parents or the filing of an at-risk youth petition by the parent, unless verification is provided that the department has completed a family assessment. The family

assessment shall involve the multidisciplinary team if one exists. The family assessment or plan of services developed by the multidisciplinary team shall be aimed at family reconciliation, reunification, and avoidance of the out-of-home placement of the child. ~~((If the department is unable to complete an assessment within two working days following a request for assessment the child or the parents may proceed under subsection (2) of this section or the parent may proceed under RCW 13.32A.191.))~~

(2) A child or a child's parent may file with the juvenile court a child in need of services petition to approve an out-of-home placement for the child before completion of a family assessment. The department shall, when requested, assist either a parent or child in the filing of the petition. The petition must be filed in the county where the parent resides. The petition shall allege that the child is a child in need of services and shall ask only that the placement of a child outside the home of his or her parent be approved. The filing of a petition to approve the placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove an out-of-home placement under this chapter.

(3) A petition may not be filed if the child is the subject of a proceeding under chapter 13.34 RCW.

Sec. 7. RCW 13.34.165 and 2000 c 122 s 21 are each amended to read as follows:

(1) Failure by a party to comply with an order entered under this chapter is civil contempt of court as provided in RCW 7.21.030(2)((~~Ⓐ~~)).

~~(2) ((The maximum term of confinement that may be imposed as a remedial sanction for contempt of court under this section is confinement for up to seven days.~~

~~(3) A child held for contempt under this section shall be confined only in a secure juvenile detention facility operated by or pursuant to a contract with a county.~~

~~(4))~~ A motion for contempt may be made by a parent, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order entered pursuant to this chapter.

~~((5))~~ (3)(a) Subject to (b) of this subsection, whenever the court finds probable cause to believe, based upon consideration of a motion ((for contempt)) and the information set forth in a supporting declaration, that a child ((has violated a placement order entered under this chapter)) is missing from care, the court may issue an order directing law enforcement to pick up and ((take)) return the child to ((detention)) department custody. ((The order may be entered ex parte without prior notice to the child or other parties. Following the child's admission to detention, a detention review hearing must be held in accordance with RCW 13.32A.065.))

(b) If the department is notified of the child's whereabouts and authorizes the child's location, the court must withdraw the order directing law enforcement to pick up and return the child to department custody.

Sec. 8. RCW 28A.225.090 and 2017 c 291 s 5 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, which shall not consider a suspension day as an unexcused absence;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another

public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Submit to a substance abuse assessment if the court finds on the record that such assessment is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any assessment, including a urinalysis test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the substance abuse assessment at no expense to the school; or

(e) Submit to a mental health evaluation or other diagnostic evaluation and adhere to the recommendations of the drug assessment, at no expense to the school, if the court finds on the court records that such evaluation is appropriate to the circumstances and behavior of the child, and will facilitate the child's compliance with the mandatory attendance law.

~~(2)((~~Ⓐ~~))~~ If the child fails to comply with the court order, the court may impose:

~~((~~Ⓐ~~))~~ (a) Community restitution;

~~((~~Ⓑ~~))~~ (b) Nonresidential programs with intensive wraparound services;

~~((~~Ⓒ~~))~~ (c) A requirement that the child meet with a mentor for a specified number of times; ~~((~~Ⓓ~~))~~

~~((~~Ⓔ~~))~~ (d) Other services and interventions that the court deems appropriate; or

(e) The remedial sanctions pursuant to RCW 13.32A.250(3)(d).

~~((~~Ⓑ~~))~~ If the child continues to fail to comply with the court order and the court makes a finding that other measures to secure compliance have been tried but have been unsuccessful and no less restrictive alternative is available, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(c). Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. Detention ordered under this subsection may be for no longer than seven days. Detention ordered under this subsection shall preferably be served at a secure crisis residential center close to the child's home rather than in a juvenile detention facility. A warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present.)

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence

from school. The court shall remit fifty percent of the fine collected under this section to the child's school district. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may ~~((order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may))~~ impose alternatives to detention ~~((such as meaningful community restitution. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW))~~ consistent with best practice models for reengagement with school.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year old child required to attend public school under RCW 28A.225.015.

Sec. 9. RCW 43.185C.260 and 2018 c 58 s 61 are each amended to read as follows:

(1) A law enforcement officer shall take a child into custody:

(a) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(b) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or

(c) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement ~~((or~~

~~((d) If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued under this chapter or chapter 13.34 RCW or that the court has issued an order for law enforcement pick up of the child under this chapter or chapter 13.34 RCW)).~~

(2) Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination. Law enforcement custody continues until the law enforcement officer transfers custody to a person, agency, or other authorized entity under this chapter, or releases the child because no placement is available. Transfer of custody is not complete unless the person, agency, or entity to whom the child is released agrees to accept custody.

(3) If a law enforcement officer takes a child into custody pursuant to either subsection (1)(a) or (b) of this section and transports the child to a crisis residential center, the officer shall, within twenty-four hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody. The center shall provide the department of children, youth, and families with a copy of the officer's report if the youth is in the care of or receiving services from the department of children, youth, and families.

(4) If the law enforcement officer who initially takes the juvenile into custody or the staff of the crisis residential center have reasonable cause to believe that the child is absent from home because he or she is abused or neglected, a report shall be made immediately to the department of children, youth, and families.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

(6) If a law enforcement officer has a reasonable suspicion that a child is being unlawfully harbored in violation of RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 43.185C.265.

(7) No child may be placed in a secure facility except as provided in this chapter.

Sec. 10. RCW 43.185C.265 and 2015 c 69 s 14 are each amended to read as follows:

(1) An officer taking a child into custody under RCW 43.185C.260(1) (a) or (b) shall inform the child of the reason for such custody and shall:

(a) Transport the child to his or her home or to a parent at his or her place of employment, if no parent is at home. The parent may request that the officer take the child to the home of an adult extended family member, responsible adult, crisis residential center, the department of ~~((social and health services))~~ children, youth, and families, or a licensed youth shelter. In responding to the request of the parent, the officer shall take the child to a requested place which, in the officer's belief, is within a reasonable distance of the parent's home. The officer releasing a child into the custody of a parent, an adult extended family member, responsible adult, or a licensed youth shelter shall inform the person receiving the child of the reason for taking the child into custody and inform all parties of the nature and location of appropriate services available in the community; or

(b) After attempting to notify the parent, take the child to a designated crisis residential center's secure facility or a center's semi-secure facility if a secure facility is full, not available, or not located within a reasonable distance if:

(i) The child expresses fear or distress at the prospect of being returned to his or her home which leads the officer to believe there is a possibility that the child is experiencing some type of abuse or neglect;

(ii) It is not practical to transport the child to his or her home or place of the parent's employment; or

(iii) There is no parent available to accept custody of the child; or

(c) After attempting to notify the parent, if a crisis residential center is full, not available, or not located within a reasonable distance, request the department of ~~((social and health services))~~ children, youth, and families to accept custody of the child. If the department of ~~((social and health services))~~ children, youth, and families determines that an appropriate placement is currently available, the department of ~~((social and health services))~~ children, youth, and families shall accept custody and place the child in an out-of-home placement. Upon accepting custody of a child from the officer, the department of ~~((social and health services))~~ children, youth, and families may place the child in an out-of-home placement for up to seventy-two hours, excluding Saturdays, Sundays, and holidays, without filing a child in need of services petition, obtaining parental consent, or obtaining an order for placement under chapter 13.34 RCW. Upon transferring a child to the department of ~~((social and health services'))~~ children, youth, and families' custody, the officer shall provide written documentation of the reasons and the statutory basis for

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taking the child into custody. If the department of ~~((social and health services))~~ children, youth, and families declines to accept custody of the child, the officer may release the child after attempting to take the child to the following, in the order listed: The home of an adult extended family member; a responsible adult; or a licensed youth shelter. The officer shall immediately notify the department of ~~((social and health services))~~ children, youth, and families if no placement option is available and the child is released.

(2) An officer taking a child into custody under RCW 43.185C.260(1)(c) ~~((or (d)))~~ shall inform the child of the reason for custody. An officer taking a child into custody under RCW 43.185C.260(1)(c) may release the child to the supervising agency, may return the child to the placement authorized by the supervising agency, or shall take the child to a designated crisis residential ~~((center's secure facility. If the secure facility is not available, not located within a reasonable distance, or full, the officer shall take the child to a semi-secure crisis residential center. An officer taking a child into custody under RCW 43.185C.260(1)(d) may place the child in a juvenile detention facility as provided in RCW 43.185C.270 or a secure facility, except that the child shall be taken to detention whenever the officer has been notified that a juvenile court has entered a detention order under this chapter or chapter 13.34 RCW))~~ center.

(3) Every officer taking a child into custody shall provide the child and his or her parent or parents or responsible adult with a copy of the statement specified in RCW 43.185C.290(6).

(4) Whenever an officer transfers custody of a child to a crisis residential center or the department of ~~((social and health services))~~ children, youth, and families, the child may reside in the crisis residential center or may be placed by the department of ~~((social and health services))~~ children, youth, and families in an out-of-home placement for an aggregate total period of time not to exceed seventy-two hours excluding Saturdays, Sundays, and holidays. Thereafter, the child may continue in out-of-home placement only if the parents have consented, a child in need of services petition has been filed, or an order for placement has been entered under chapter 13.34 RCW.

(5) The department of ~~((social and health services))~~ children, youth, and families shall ensure that all law enforcement authorities are informed on a regular basis as to the location of all designated secure and semi-secure facilities within centers in their jurisdiction, where children taken into custody under RCW 43.185C.260 may be taken.

Sec. 11. RCW 2.56.032 and 2016 c 205 s 19 are each amended to read as follows:

(1)(a) To accurately track the extent to which courts order youth into a secure detention facility in Washington state for the violation of a court order related to a truancy, at-risk youth, or a child in need of services petition, all juvenile courts shall transmit youth-level secure detention data to the administrative office of the courts.

(b) Data may either be entered into the statewide management information system for juvenile courts or securely transmitted to the administrative office of the courts at least monthly. Juvenile courts shall provide, at a minimum, the name and date of birth for the youth, the court case number assigned to the petition, the reasons for admission to the juvenile detention facility, the date of admission, the date of exit, and the time the youth spent in secure confinement.

(c) Courts are also encouraged to report individual-level data reflecting whether a detention alternative, such as electronic monitoring, was used, and the time spent in detention alternatives.

(d) The administrative office of the courts and the juvenile court administrators must work to develop uniform data standards

for detention.

(2) The administrative office of the courts shall deliver an annual statewide report to the legislature that details the number of Washington youth who are placed into detention facilities during the preceding calendar year. The first report shall be delivered by March 1, 2017, and shall detail the most serious reason for detention and youth gender, race, and ethnicity. The report must have a specific emphasis on youth who are detained for reasons relating to a truancy, at-risk youth, or a child in need of services petition. The administrative office of the courts shall ensure that the annual statewide report delivered to the legislature in 2021 provides sufficient information to measure the impacts of RCW 13.32A.250(3)(b) on reducing the use of juvenile detention as a remedy for contempt of a valid court order for youth referenced in this subsection.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

(1)RCW 43.185C.270 (Youth services—Officer taking child into custody—Placing in detention—Detention review hearing—Hearing on contempt) and 2015 c 69 s 15; and

(2)1998 c 296 s 35 (unmodified)."

On page 1, line 2 of the title, after "behavior;" strike the remainder of the title and insert "amending RCW 7.21.030, 13.32A.250, 13.32A.040, 13.32A.150, 13.34.165, 28A.225.090, 43.185C.260, 43.185C.265, and 2.56.032; adding a new section to chapter 7.21 RCW; creating a new section; repealing RCW 43.185C.270; and repealing 1998 c 296 s 35 (unmodified)."

MOTION

Senator Braun moved that the following amendment no. 388 by Senator Braun to the striking amendment be adopted:

Beginning on page 1, line 3, strike all material through "confinement." on page 2, line 18

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

On page 3, line 12, after "sanction." strike all material through "period." on line 14 and insert "All such remedial sanctions may not be imposed more than two times during a thirty-day period. The court may not order detention pursuant to this subsection if placement is available at a crisis residential center or other secure juvenile facility in the county in which the action is pending."

On page 4, line 24, after "more than" strike "four" and insert "two"

On page 5, after line 19, insert the following:

"(6) A contempt sanction under this section cannot be served in a juvenile detention facility when the case is filed in a county with an operational and secure crisis residential center with an unused bed."

Beginning on page 8, line 36, after "(2)" strike all material through "~~present~~)" on page 9, line 20 and insert "(a) If the child fails to comply with the court order, the court may impose:

(i) Community restitution;

(ii) Nonresidential programs with intensive wraparound services;

(iii) A requirement that the child meet with a mentor for a specified number of times; or

(iv) Other services and interventions that the court deems appropriate.

(b) If the child continues to fail to comply with the court order and the court makes a finding that other measures to secure compliance have been tried but have been unsuccessful and no less restrictive alternative is available, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e). Failure by a child to comply with an order issued

under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. Detention ordered under this subsection may be for no longer than seven days. Detention ordered under this subsection shall preferably be served at a secure crisis residential center close to the child's home rather than in a juvenile detention facility. A warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present.

(c) The court may impose remedial sanctions, including a fine of up to one hundred dollars and confinement for up to seventy-two hours, or both, for contempt of court under this section upon issuing formal written findings that it: (i) Considered, on the record, the mitigating and aggravating factors used to determine the appropriateness of detention for enforcement of its order; (ii) affirmed that it considered all less restrictive options, that detention is the only appropriate alternative, including its rationale and the clear, cogent, and convincing evidence used to enforce the order; (iii) afforded the same due process considerations that it affords all youth in a criminal contempt proceeding; and (iv) sought input from all relevant parties, including the youth. The seventy-two hour period excludes Saturdays, Sundays, and holidays and must commence upon the next nonholiday weekday following the court order and must run to the end of the last nonholiday weekday within the seventy-two hour period. The court may impose no more than two such seventy-two hour periods in a thirty-day period.

Beginning on page 10, line 11, strike all of section 9

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

On page 13, beginning on line 9, strike all material through "center" on line 17 and insert "center's secure facility. If the secure facility is not available, not located within a reasonable distance, or full, the officer shall take the child to a semi-secure crisis residential center. An officer taking a child into custody under RCW 43.185C.260(1)(d) may place the child in a juvenile detention facility as provided in RCW 43.185C.270 or a secure facility, except that the child shall be taken to detention whenever the officer has been notified that a juvenile court has entered a detention order under this chapter or chapter 13.34 RCW"

On page 15, line 3 of the title amendment, after "28A.225.090," strike "43.185C.260," and beginning on line 4 of the title amendment, after "2.56.032;" strike all material through "section;" on line 5

Senators Braun and Walsh spoke in favor of adoption of the amendment to the striking amendment.

Senator Darneille spoke on adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 388 by Senator Braun on page 1, line 3 to striking amendment no. 185.

The motion by Senator Braun carried and amendment no. 388 was adopted by a rising vote.

Senators Braun and Padden spoke in favor of adoption of the striking amendment as amended.

Senators Darneille, Salomon and Dhingra spoke against adoption of the striking amendment as amended.

The President declared the question before the Senate to be the adoption of striking amendment no. 185 by Senator Braun, as amended, to Second Substitute Senate Bill No. 5290.

The motion by Senator Braun carried and striking amendment no. 185 was adopted by a rising vote.

MOTION

On motion of Senator Darneille, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5290 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, Walsh, Braun, Keiser and Padden spoke in favor of passage of the bill.

Senator Saldaña spoke against passage of the bill.

Senator Liias spoke on passage of the bill.

POINT OF ORDER

Senator Sheldon: "Mr. President, I don't think that a member may opine about what the other chamber might do with the bill that we have under discussion, is that correct?"

REPLY BY THE PRESIDENT

President Habib: "That is true. And Senator Liias I will remind you that under the Senate's rules, under Reed's Rules, we are to refrain from speculating about what action may take place in the other chamber. Thank you Senator Sheldon for the reminder."
[Chap. XIII, §224, Reed's Parliamentary Rules]

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5290.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5290 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fortunato, Hawkins, Hobbs, Holy, Honeyford, King, Liias, Mullet, O'Ban, Padden, Pedersen, Rivers, Rolfes, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Das, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lovelett, McCoy, Nguyen, Palumbo, Randall, Saldaña, Wellman and Wilson, C.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5290, 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 4:38 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:23 p.m. by President Habib.

The Senate resumed consideration on Senate Bill No. 5078 which had been deferred earlier in the day.

RULING BY THE PRESIDENT

President Habib: "The President has had an opportunity to

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consider the Point of Order raised on amendment 359 by Senator Liias, as well as the further amendments to which has had given notice that he will raise points of order so I'm prepared now to issue rulings on these amendments as they appear.

One point for Senator Fortunato and for others: Senator Fortunato has, since we last took this bill up, Senator Fortunato has written an amendment and filed that amendment. However, that amendment is now out of order because it appears earlier in the bill language than amendment 359. We've already read amendment 359 so amendments that deal with material in the bill prior to that amendment are deemed out of order.

So now with, with respect to amendment 359 proposed by Senator Sheldon. This amendment, first let me say something about the underlying bill, and, by the way, for expediency I'm giving these responses orally. We also will have, as we have in the past, written rulings available on my website and the Senate's website shortly. So the scope of this bill is extremely narrow in two different ways. It's narrow both with the respect to the class of covered entities, which is to say in this case it's a class really of one, which is the president and, in the general election, the president's running mate. That is the covered entity. It is also extremely narrow with respect to the subject, the disclosure subject matter, which is tax returns. And so, as has been the precedent from my predecessor and others even before him, scope and object rulings when, in instances where there is a class of one or an extremely small class, there is a much higher threshold for adding more elements than there would be, say, for example, if this bill dealt with the disclosure of many different types of material, including tax returns, lots of other material. That would be different. That is on display right here with this amendment where what's being asked for would be the G.P.A. and class rank. And so the President finds that, because the scope of the subject matter, that subject matter discloses is extremely narrow, it is just tax returns, just tax returns for the purpose of financial transparency, and there is nothing else that adding G.P.A. and class rank which have nothing to do with taxes, which have nothing to do even with finances would be impermissibly out of the scope of the underlying bill. So, that amendment is out of order."

"In responding to the Point of Order raised by Senator Liias as to whether Amendments 359, 343, and 344 are outside the scope of Senate Bill 5078, the President finds and rules as follows:

Senate Bill 5078 requires presidential and vice presidential candidates to release copies of their federal income tax returns for the last five years before they may appear on the ballot. The scope of the bill is extremely narrow in two respects. First, the class of covered entities is extremely small, being limited to the president and, in a general election, the president's running mate. Second, the scope of the bill is extremely narrow with regard to the information required to be disclosed.

Amendment 359 proposed by Senator Sheldon seeks to require presidential and vice presidential candidates to publicly disclose their high school and postsecondary grade point averages and graduating class rank before their names may appear on a presidential primary or general election ballot. The subject matter of what is required to be disclosed in the underlying bill is limited to tax returns for purposes of financial transparency. Because the scope of the bill is extremely narrow in this regard, adding these additional categories of information would impermissibly broaden scope of the underlying bill. As such, the President finds the amendment outside the scope of the underlying bill. ..."

WITHDRAWAL OF AMENDMENT

On motion of Senator Sheldon and without objection, amendment no. 360 by Senator Sheldon on page 1, line 20 to Senate Bill No. 5078 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Sheldon and without objection, amendment no. 361 by Senator Sheldon on page 1, line 20 to Senate Bill No. 5078 was withdrawn.

MOTION

Senator Ericksen moved that the following amendment no. 343 by Senator Ericksen be adopted:

On page 2, after line 15, insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 44.04 RCW to read as follows:

(1) Within thirty days of assuming the position of the speaker or minority leader of the house of representatives or the majority and minority leaders of the senate, the person in that position shall:

(a) Publicly release a copy of their federal income tax returns, as defined in 26 U.S.C. Sec. 6103(b)(1), for at least the five most recent taxable years for which a return has been filed with the internal revenue service; or

(b)(i) File with the secretary of state their federal income tax returns as described in (a) of this subsection; and

(ii) Provide written consent to the secretary of state, in a manner to be prescribed by the secretary of state by rule, for the public disclosure of such returns pursuant to this section.

(2) The secretary of state shall make federal income tax returns filed or released under this section publicly available on the secretary of state's web site within seven days of receipt or release. The secretary of state may make additional schedules or forms filed under this section publicly available upon request. Prior to making any federal income tax returns public, the secretary of state shall redact such information contained in the returns as deemed needed in consultation with the director of the department of revenue.

(3) Persons who do not comply with the requirements of subsection (1) of this section may not serve in as speaker or minority leader of the house of representatives or majority or minority leader of the senate.

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

On page 1, line 2 of the title, after "of", strike "presidential and vice presidential candidates prior to appearing on the ballot; and" and insert "certain elected officials and candidates for office;"

On page 1, line 4 of the title, after "RCW", insert "; and adding a new section to chapter 44.04 RCW"

POINT OF ORDER

Senator Liias: "Thank you Mr. President. As I stated earlier in the day, I believe this amendment is outside the scope and object of the bill and I would just refer back to the arguments I made then."

RULING BY THE PRESIDENT

President Habib: "As I mentioned earlier with respect to amendment no. 389, when I was discussing the underlying bill, I mentioned that it is extremely narrow in two different regards. We dealt with its narrowness of scope with respect to the material being disclosed or being required to be disclosed but it is also

extremely narrow with respect to who the bill applies to. It only applies to the president and again, in the general election, the running mate of the president. And the amendment proposed here by Senator Ericksen seeks to have similar provisions apply to the speaker of the house, and caucus leaders and there are, again, two ways to look at this. The first way is to say, it's a class of one and so there is a much higher burden to add additional individuals, in this case a number of other individuals and so exceeds the scope in that regard. It would be different if the underlying bill referred to many different elected officials and then you just threw in the speaker and some caucus leaders as well, on top of, you know, already 30, 40, 50, let's say, other elected officials or even six or seven and so, but it is not that way. It only applies to president and vice president when, as a running mate. The other way though in which this amendment exceeds the scope is insofar as presidential elections are treated very differently under the law than other sorts of elections. I believe, just today, the Governor will have signed a bill that you all passed which is testament to that. And there's many different ways, for example, our presidential elections are not subject to the Top Two, as our, as every other candidate is, federal and state, that runs on the ballot. We have a special primary for the presidency unlike every other primary election in our state. We have electors unlike every other campaign race. So, there's good reason to believe that the presidency is unique, presidential elections are unique. So, a bill having to do specifically with presidential elections unless there were other nonpresidential elected officials also included in there it would seem any additions outside would be out of scope and in this instance there is one final thing and that is the speaker and caucus leaders aren't even elected on the ballot. They're chosen, in the speaker's case, by election and the caucus leader by the rules of each perspective caucus. So that amendment, for all those reasons, is also ruled out of order."

"In responding to the Point of Order raised by Senator Liias as to whether Amendments 359, 343, and 344 are outside the scope of Senate Bill 5078, the President finds and rules as follows:

...

Amendment 343 proposed by Senator Ericksen seeks to require the speaker and minority leader of the State House of Representatives and the majority and minority leaders of the State Senate to publicly release their federal tax returns for the previous five years within thirty days of assuming their titles. This amendment relates to the underlying bill's narrowness with respect to entities covered by the bill. The underlying bill only applies to candidates for president and, in the general election, the president's running mate. Because there is this "class of one," there is a higher threshold when considering the addition of new individuals, and the amendment is out of scope in this regard. The President notes that his conclusion might be different if the underlying bill dealt with many different types of elected officials, versus just one.

The amendment also exceeds the scope because of the unique nature of presidential elections themselves. Under State law presidential elections are treated very differently from other types of elections. Presidential elections are not subject to the "top two" primary system, as are other partisan offices. There is a special primary for presidential candidates, unlike other offices. Presidential elections rely on the use of electors, unlike other offices. A bill addressing presidential elections, specifically, is narrow in its scope for this reason as well. The elected officials addressed in Amendment 343 are not even elected on the ballot, but are instead chosen by their fellow legislators. For these reasons, the President finds the amendment outside the scope of the underlying bill. . . ."

MOTION

Senator Ericksen moved that the following amendment no. 344 by Senator Ericksen be adopted:

On page 2, after line 15, insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 29A.24 RCW to read as follows:

(1) By sixty-three days before the primary election, all candidates for United States senate and United States house of representatives shall:

(a) Publicly release a copy of their federal income tax returns, as defined in 26 U.S.C. Sec. 6103(b)(1), for at least the five most recent taxable years for which a return has been filed with the internal revenue service; or

(b)(i) File with the secretary of state their federal income tax returns as described in (a) of this subsection; and

(ii) Provide written consent to the secretary of state, in a manner to be prescribed by the secretary of state by rule, for the public disclosure of such returns pursuant to this section.

(2) The secretary of state shall make federal income tax returns filed or released under this section publicly available on the secretary of state's web site within seven days of receipt or release. The secretary of state may make additional schedules or forms filed under this section publicly available upon request. Prior to making any federal income tax returns public, the secretary of state shall redact such information contained in the returns as deemed needed in consultation with the director of the department of revenue.

(3) Candidates who do not comply with the requirements of subsection (1) of this section may not appear on the primary or general election ballot.

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

On page 1, line 2 of the title, after "of", strike the remainder of the title and insert "candidates for federal office prior to appearing on the ballot; adding a new section to chapter 29A.56 RCW; and adding a new section to chapter 29A.24 RCW."

POINT OF ORDER

Senator Liias: "Thank you Mr. President. I believe this amendment exceeds the scope and object of the bill for the reasons I previously stated."

RULING BY THE PRESIDENT

President Habib: "So, much like the previous amendment, this bill also seeks to expand the class from a class of one, which is to say, presidential tickets to add federal elected officials in our state, members of congress, including senators and house representatives. Again, presidential elections are so different under our law than every other type of election. In fact, our congressional elections, for the purpose of the secretary of state and under state law, are virtually indistinguishable from legislative races. You have the Top Two, the primaries on the same date. The rules are all pretty much the same. Again, very different from the presidential electoral process that our state governs and so there's no reason to believe that adding congressional members and having their tax returns would fit within the scope of a bill that otherwise only deals with very unique electoral process, very unique electoral system. And so for those reasons that amendment is declared out of order."

"In responding to the Point of Order raised by Senator Liias as

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to whether Amendments 359, 343, and 344 are outside the scope of Senate Bill 5078, the President finds and rules as follows:

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

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

...
 Amendment 344 proposed by Senator Ericksen seeks to require candidates for the United States Senate and the United States House of Representatives to publicly release a copy of their federal income tax returns for the previous five years before appearing on the ballot. Much like Amendment 343, this seeks to expand the "class of one" to add other federal elected officials. Again, the President finds that presidential elections are so unique under our laws from any other type of election, there is no reason to believe that adding members of Congress to the narrow class addressed in Senate Bill 5078 would fit within the scope of the underlying bill. The President declares the amendment outside the scope of the underlying bill, and thus out of order."

MOTION

On motion of Senator Kuderer, the rules were suspended, Senate Bill No. 5078 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Frockt, Pedersen and Liias spoke in favor of passage of the bill.

Senators Zeiger, Padden, Ericksen and Sheldon spoke against passage of the bill.

REMARKS BY THE PRESIDENT

President Habib: "Senator Sheldon, I do want to point out that it was you who asked me to clarify that we can't speculate about the other chamber and what they do, not a half an hour ago, before flirting with that same rule violation yourself right there."

Senators Becker, Walsh, Fortunato and O'Ban spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5078.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5078 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

SENATE BILL NO. 5078, 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 6:03 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of dinner and caucuses.

The Senate was called to order at 7:41 p.m. by President Habib.

MOTION

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

MESSAGE FROM THE HOUSE

March 11, 2019

MR. PRESIDENT:

The House has passed:

- SECOND SUBSTITUTE HOUSE BILL NO. 1048,
- SECOND SUBSTITUTE HOUSE BILL NO. 1059,
- HOUSE BILL NO. 1092,
- SUBSTITUTE HOUSE BILL NO. 1100,
- ENGROSSED HOUSE BILL NO. 1126,
- SUBSTITUTE HOUSE BILL NO. 1158,
- HOUSE BILL NO. 1301,
- HOUSE BILL NO. 1423,
- HOUSE BILL NO. 1537,
- SUBSTITUTE HOUSE BILL NO. 1545,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1557,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1569,
- SUBSTITUTE HOUSE BILL NO. 1575,
- HOUSE BILL NO. 1673,
- ENGROSSED HOUSE BILL NO. 1706,
- SECOND SUBSTITUTE HOUSE BILL NO. 1725,
- HOUSE BILL NO. 1727,
- SUBSTITUTE HOUSE BILL NO. 1734,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1839,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1874,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1880,
- HOUSE BILL NO. 1900,
- HOUSE BILL NO. 2033,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2097,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 11, 2019

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5954 with the following amendment(s): 5954-S AMH KLIP ADAM 052

On page 2, line 26, after "explosives" insert ", or a Washington law enforcement agency."

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Liias moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5954.

Senator Braun spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Liias that the Senate concur in the House

amendment(s) to Substitute Senate Bill No. 5954.

The motion by Senator Lias carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5954 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5954, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5954, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Conway

SUBSTITUTE SENATE BILL NO. 5954, as amended by the House, 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 Wilson, C., Senator Conway was excused.

MOTION

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

SECOND READING

SENATE BILL NO. 5668, by Senators Takko, Warnick and Fortunato

Concerning moneys received at auctions conducted by registered tow truck operators. Revised for 1st Substitute: Concerning taxation of abandoned vehicles sold at auctions conducted by registered tow truck operators.

MOTIONS

On motion of Senator Takko, Substitute Senate Bill No. 5668 was substituted for Senate Bill No. 5668 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Takko, the rules were suspended, Substitute Senate Bill No. 5668 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Fortunato 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. 5668.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5668 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Conway

SUBSTITUTE SENATE BILL NO. 5668, 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. 5211, by Senators Palumbo, Rolfes, Hunt and Zeiger

Prohibiting the use of live animals to practice invasive medical procedures in paramedic training programs.

MOTIONS

On motion of Senator Palumbo, Substitute Senate Bill No. 5211 was substituted for Senate Bill No. 5211 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Palumbo, the rules were suspended, Substitute Senate Bill No. 5211 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Palumbo 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. 5211.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5211 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Short, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Hawkins, Holy, Honeyford, Schoesler, Wagoner, Warnick and Wilson, L.

Excused: Senator Conway

SUBSTITUTE SENATE BILL NO. 5211, 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. 5265, by Senators Zeiger, Hunt, Bailey

Concerning the role of volunteerism within state government.

MOTIONS

On motion of Senator Zeiger, Substitute Senate Bill No. 5265 was substituted for Senate Bill No. 5265 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Zeiger, the rules were suspended, Substitute Senate Bill No. 5265 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger and Hunt 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. 5265.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5265 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Conway

SUBSTITUTE SENATE BILL NO. 5265, 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. 5008, by Senators Palumbo and Fortunato

Concerning short subdivisions.

The measure was read the second time.

MOTION

Senator Palumbo moved that the following striking amendment no. 159 by Senator Palumbo be adopted:

Strike everything after the enacting clause and insert the following:

“Sec. 1. RCW 58.17.020 and 2002 c 262 s 1 are each amended to read as follows:

As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

(1) “Subdivision” is the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership, except as provided in subsection (6) of this section.

(2) “Plat” is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.

(3) “Dedication” is the deliberate appropriation of land by an owner for any general and public uses, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

A dedication of an area of less than two acres for use as a public park may include a designation of a name for the park, in honor of a deceased individual of good character.

(4) “Preliminary plat” is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

(5) “Final plat” is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this chapter and in local regulations adopted under this chapter.

(6)(a) “Short subdivision” is the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership. ~~((However,))~~ The legislative authority of ~~((any))~~ a county or city ~~((or town may))~~ not planning under RCW 36.70A.040 by local ordinance increase the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of nine.

(b) For counties and cities planning under RCW 36.70A.040, “short subdivision” is the division or redivision of land into nine or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership. The legislative authority of ~~((any))~~ a county or city planning under RCW 36.70A.040 that has adopted a comprehensive plan and development regulations in compliance with chapter 36.70A RCW may by ordinance increase the number of lots, tracts, or parcels to be regulated as short subdivisions to a maximum of ~~((nine))~~ twenty-four in any urban growth area.

(7) “Binding site plan” means a drawing to a scale specified by local ordinance which: (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan; and (c) contains provisions making any development be in conformity with the site plan.

(8) “Short plat” is the map or representation of a short subdivision.

(9) “Lot” is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

(10) “Block” is a group of lots, tracts, or parcels within well defined and fixed boundaries.

(11) “County treasurer” shall be as defined in chapter 36.29 RCW or the office or person assigned such duties under a county charter.

(12) “County auditor” shall be as defined in chapter 36.22 RCW or the office or person assigned such duties under a county charter.

(13) "County road engineer" shall be as defined in chapter 36.40 RCW or the office or person assigned such duties under a county charter.

(14) "Planning commission" means that body as defined in chapter 36.70, 35.63, or 35A.63 RCW as designated by the legislative body to perform a planning function or that body assigned such duties and responsibilities under a city or county charter.

(15) "County commissioner" shall be as defined in chapter 36.32 RCW or the body assigned such duties under a county charter.

Sec. 2. RCW 58.17.060 and 1990 1st ex.s. c 17 s 51 are each amended to read as follows:

(1) The legislative body of a city, town, or county (~~shall~~) must adopt regulations and procedures, and appoint administrative personnel for the summary approval of short plats and short subdivisions or alteration or vacation thereof. When an alteration or vacation involves a public dedication, the alteration or vacation (~~shall~~) must be processed as provided in RCW 58.17.212 or 58.17.215. Such regulations (~~shall~~) must be adopted by ordinance and (~~shall~~) must provide that a short plat and short subdivision may be approved only if written findings that are appropriate, as provided in RCW 58.17.110, are made by the administrative personnel, and may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions and may require surveys and monumentations and (~~shall~~) must require filing of a short plat, or alteration or vacation thereof, for record in the office of the county auditor: PROVIDED, That such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries: PROVIDED FURTHER, That such regulations are not required to contain a penalty clause as provided in RCW 36.32.120 and may provide for wholly injunctive relief.

An ordinance requiring a survey (~~shall~~) must require that the survey be completed and filed with the application for approval of the short subdivision.

(2) In addition to the requirements of subsection (1) of this section, approval of short plats and short subdivisions creating ten or more lots in counties and cities planning under RCW 36.70A.040 and short plats and short subdivisions creating five or more lots in counties and cities not planning under RCW 36.70A.040 are subject to the provisions under RCW 58.17.110.

(3) Cities, towns, and counties (~~shall~~) must include in their short plat regulations and procedures pursuant to subsection (1) of this section provisions for considering sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

Sec. 3. RCW 58.17.110 and 2018 c 1 s 104 are each amended to read as follows:

(1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other

planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.

(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property. The legislative body shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

(3) If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the city, town, or county legislative body must adopt the designated name.

(4) If water supply is to be provided by a groundwater withdrawal exempt from permitting under RCW 90.44.050, the applicant's compliance with RCW 90.44.050 and with applicable rules adopted pursuant to chapters 90.22 and 90.54 RCW is sufficient in determining appropriate provisions for water supply for a subdivision, dedication, or short subdivision under this chapter.

(5) Short plats and short subdivisions creating ten or more lots in counties and cities planning under RCW 36.70A.040 and short plats and short subdivisions creating five or more lots in counties and cities not planning under RCW 36.70A.040 that are subject to the provisions of this section may be evaluated by administrative personnel."

On page 1, line 1 of the title, after "subdivisions;" strike the remainder of the title and insert "and amending RCW 58.17.020, 58.17.060, and 58.17.110."

The President declared the question before the Senate to be the adoption of striking amendment no. 159 by Senator Palumbo to Senate Bill No. 5008.

The motion by Senator Palumbo carried and striking amendment no. 159 was adopted by voice vote.

MOTION

On motion of Senator Palumbo, the rules were suspended, Engrossed Senate Bill No. 5008 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Palumbo and Short spoke in favor of passage of the bill.

FIFTY EIGHTH DAY, MARCH 12, 2019

2019 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5008.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5008 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Lovelett and Rolfes

Excused: Senator Conway

ENGROSSED SENATE BILL NO. 5008, 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. 5739, by Senators Sheldon and Wellman

Promoting affordable housing in unincorporated areas of rural counties within urban growth areas.

MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 5739 was substituted for Senate Bill No. 5739 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 5739 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon and Kuderer 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. 5739.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5739 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Conway

SUBSTITUTE SENATE BILL NO. 5739, 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. 5453, by Senators Takko and Short

Concerning the administration of irrigation districts.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Schoesler and without objection, amendment no. 046 by Senators Hunt and Schoesler on page 3, line 24 to Senate Bill No. 5453 was withdrawn.

MOTION

Senator Schoesler moved that the following amendment no. 205 by Senators Schoesler and Hunt be adopted:

On page 3, after line 24, insert the following:

“NEW SECTION. **Sec. 3.** (1) The Washington association of county officials must conduct a study of irrigation district election-related practices and procedures and recommend best practices to standardize those procedures across all districts. Best practices are those that are equitable and ensure thorough governance of irrigation districts. In conducting this study, the Washington association of county officials may collaborate with the secretary of state, county assessors, county auditors, and other relevant stakeholders as necessary.

(2) The Washington association of county officials must report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2019. At minimum, recommendations for the standardization of election procedures must include procedures to:

- (a) Identify qualified voters and directors;
- (b) Notify qualified voters and directors;
- (c) Deliver and return ballots;
- (d) Identify and count official returns; and
- (e) Declare the winning candidate.”

On page 1, at the beginning of line 2 of the title, strike all material through “87.03.435” and insert “amending RCW 87.03.082 and 87.03.435; and creating a new section”

Senator Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 205 by Senators Schoesler and Hunt on page 3, after line 24 to Senate Bill No. 5453.

The motion by Senator Schoesler carried and amendment no. 205 was adopted by voice vote.

MOTION

On motion of Senator Takko, the rules were suspended, Engrossed Senate Bill No. 5453 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko and Short spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5453.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5453 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Conway

ENGROSSED SENATE BILL NO. 5453, 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. 5739, by Senators Sheldon and Wellman

Promoting affordable housing in unincorporated areas of rural counties within urban growth areas.

MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 5739 was substituted for Senate Bill No. 5739 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 5739 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon and Kuderer 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. 5739.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5739 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Conway

SUBSTITUTE SENATE BILL NO. 5739, 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. 5291, by Senators Darneille, Randall, Kuderer, Frockt, Hasegawa, Nguyen and Saldaña

Creating alternatives to total confinement for certain qualifying persons with minor children.

MOTION

On motion of Senator Darneille, Second Substitute Senate Bill No. 5291 was substituted for Senate Bill No. 5291 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator O'Ban moved that the following amendment no. 314 by Senator O'Ban be adopted:

On page 15, line 30, after "offense" insert "and has been determined to be a low risk to reoffend"

Senators O'Ban and Darneille spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 314 by Senator O'Ban on page 15, line 30 to Second Substitute Senate Bill No. 5291.

The motion by Senator O'Ban carried and amendment no. 314 was adopted by voice vote.

MOTION

On motion of Senator Becker, Senator Sheldon was excused.

MOTION

Senator Padden moved that the following amendment no. 393 by Senator Padden be adopted:

On page 15, line 33, after "court;" strike "and" and insert "~~(and)~~"

On page 16, line 4, after "offense" insert "; and (f) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence"

On page 19, line 39, after "~~current~~" strike "~~offense;)~~ and" and insert "~~offense; and)~~"

On page 20, line 2, after "child" insert "; and (g) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence"

Senator Padden spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 393 by Senator Padden on page 15, line 33 to Second Substitute Senate Bill No. 5291.

The motion by Senator Padden did not carry and amendment no. 393 was not adopted by voice vote.

MOTION

On motion of Senator Darneille, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5291 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, Walsh and O'Ban 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. 5291.

ROLL CALL

SENATE BILL NO. 5566, by Senators Braun and Takko

Concerning setting fees for administration of the prevailing wage program.

The measure was read the second time.

MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 5566 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Keiser 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. 5566.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5566 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Excused: Senators Conway and Sheldon

SENATE BILL NO. 5566, 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. 5295, by Senators Keiser, Hasegawa and Saldaña

Concerning labor neutrality and contractor compliance for certain contracted service providers.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5295 was substituted for Senate Bill No. 5295 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following striking amendment no. 178 by Senator Keiser be adopted:

Strike everything after the enacting clause and insert the following:

“NEW SECTION. Sec. 1. The legislature intends to prevent or mitigate service disruptions caused by employee disaffection or labor unrest within private sector providers contracted to provide certain essential state services that, if disrupted, could harm vulnerable members of the community, compromise the efficient delivery of essential state services, and burden taxpayers with additional costs.

The legislature further intends to spend scarce taxpayer resources for the efficient delivery of certain essential state

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5291 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Takko, Van De Wege, Walsh, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Fortunato, Hawkins, Honeyford, Padden, Short, Wagoner and Warnick

Excused: Senators Conway and Sheldon

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5291, 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. 5903, by Senators Darneille, Warnick, Das, Nguyen and O'Ban

Concerning children's mental health.

MOTIONS

On motion of Senator Darneille, Second Substitute Senate Bill No. 5903 was substituted for Senate Bill No. 5903 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Darneille, the rules were suspended, Second Substitute Senate Bill No. 5903 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, Warnick, Walsh and Brown 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. 5903.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5903 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Conway and Sheldon

SECOND SUBSTITUTE SENATE BILL NO. 5903, 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

services by law-abiding private sector providers. Contracting with providers with multiple legal violations represents wasteful government spending on remedying legal wrongs. Private sector providers of certain state services must certify their legal compliance with state, federal, and local laws before earning a contract involving government funds.

NEW SECTION. Sec. 2. A new section is added to chapter 43.20A RCW to read as follows:

Any contract entered into by the department with a private contractor for adult care, behavioral health, disability support, or youth services must contain a provision that requires the private contractor to certify its compliance with federal, state, and local laws in the provision of such care or services.

NEW SECTION. Sec. 3. A new section is added to chapter 43.20A RCW to read as follows:

(1) Any contract entered into by the department with a private contractor for adult care, behavioral health, disability support, or youth services must contain an assurance of the contractor's commitment to ensuring the uninterrupted delivery of services subject to the contract.

(2) The assurance required under subsection (1) of this section is a condition of contracting with the state for the provision of such services. The assurance may be made by offering one or more of the following commitments:

(a) A commitment that, upon receiving an award of the contract, the contractor will remain neutral in its policies, practices, and activities with regard to its employees performing the services required under the contract in the event such employees seek to exercise rights guaranteed by the national labor relations act, 29 U.S.C. Sec. 151 et seq.

(b) Inclusion of no-strike, no-lockout, or arbitration clauses in a collective bargaining agreement with a labor organization representing the contractor's employees covered by this section. In the event such collective bargaining agreement is due to expire during the term of the contract, the contracting employer must establish the parties have committed to resolving negotiation of disputes as to the terms of a successor collective bargaining agreement through a process that ensures neither party will engage in economic action.

(c) A commitment not to strike or engage in workplace or service disruptions on the part of the representative of the employees performing the services contracted by the state through the term of the contract with the state.

(d) Any other similar assurances or commitments that provide equivalent assurances that continuity of services will be maintained through the life of the contract with the state.

(3) A contractor's assurances under this section made to the state are a binding provision of any contract awarded by the state, and constitute a warranty to the state on the part of the contractor.

(4) In the event the contractor's assurances fail to ensure uninterrupted service delivery, the contract with the department may be revoked and the department may make arrangements for the provision of services by other means.

(5) In awarding any contract subject to this section, the department must require bidders to disclose past violations of the national labor relations act, 29 U.S.C. Sec. 151 et seq.

NEW SECTION. Sec. 4. 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."

On page 1, line 1 of the title, after "to" strike the remainder of the title and insert "ensuring contractor compliance and continuity of public services for certain contracted service providers; adding new sections to chapter 43.20A RCW; and creating a new

section."

The President declared the question before the Senate to be the adoption of the amendments by Senator Keiser to Substitute Senate Bill No. 5295.

The motion by Senator Keiser carried and striking amendment no. 178 were adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5295 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

Senator King spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5295.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5295 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Conway and Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5295, 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. 5633, by Senators Brown, Walsh, Becker, Hasegawa, Zeiger, Keiser and O'Ban

Supporting and expanding behavioral health workforce pathway programs.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 5633 was substituted for Senate Bill No. 5633 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 5633 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Dhingra 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. 5633.

ROLL CALL

FIFTY EIGHTH DAY, MARCH 12, 2019

2019 REGULAR SESSION

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5633 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Conway and Sheldon

SUBSTITUTE SENATE BILL NO. 5633, 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 8:56 p.m., on motion of Senator Liias, the Senate adjourned until 9:30 o'clock a.m. Wednesday, March 13, 2019.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

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