EIGHTY FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 2, 2015

The Senate was called to order at 8:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Ryan Garza and Seki Berg, presented the Colors. Adam Cooper offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

April 1, 2015

SB 5017 Prime Sponsor, Senator Honeyford: Defining honey bee products and services as an agricultural product. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey; Becker; Billig; Brown; Conway; Fraser; Hasegawa; Hatfield; Hewitt; Kohl-Welles; O'Ban; Padden; Parlette; Rolfes; Schoesler and Warnick.

Passed to Committee on Rules for second reading.

April 1, 2015

SB 5042 Prime Sponsor, Senator O'Ban: Providing a business and occupation tax credit for businesses that hire veterans. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5042 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey; Becker; Billig; Brown; Conway; Fraser; Hatfield; Hewitt; Kohl-Welles; O'Ban; Padden; Parlette; Rolfes; Schoesler and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

April 1, 2015

SB 5077 Prime Sponsor, Senator Hill: Making 2015-2017 operating appropriations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5077 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Bailey; Becker; Brown; Hewitt; O'Ban; Padden; Parlette; Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Billig; Conway; Fraser; Hasegawa; Hatfield; Kohl-Welles and Rolfes.

Passed to Committee on Rules for second reading.

April 1, 2015

SB 5112 Prime Sponsor, Senator Brown: Creating a pilot program that provides incentives for investments in Washington state job creation and economic development. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5112 as recommended by Committee on Trade & Economic Development be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey; Becker; Brown; Hatfield; Hewitt; Kohl-Welles; O'Ban; Padden; Parlette; Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Hasegawa and Rolfes.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig; Conway and Fraser.

Passed to Committee on Rules for second reading.

April 1, 2015

SB 5209 Prime Sponsor, Senator Warnick: Concerning a hazardous substance tax exemption for certain hazardous substances defined under RCW 82.21.020(1)(c) that are used as agricultural crop protection products and warehoused but not otherwise used, manufactured, packaged, or sold in this state. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5209 as recommended by Committee on Agriculture, Water & Rural Economic Development be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey; Becker; Billig; Brown; Conway; Fraser;

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Hatfield; Hewitt; Kohl-Welles; O'Ban; Padden; Parlette; Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Hasegawa and Rolfes.

Passed to Committee on Rules for second reading.

April 1, 2015

SB 5257 Prime Sponsor, Senator Hargrove: Providing a reduced public utility tax for log transportation businesses. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5257 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey; Becker; Billig; Brown; Conway; Fraser; Hasegawa; Hatfield; Hewitt; Kohl-Welles; O'Ban; Padden; Parlette; Rolfes; Schoesler and Warnick.

Passed to Committee on Rules for second reading.

April 1, 2015

SB 5315 Prime Sponsor, Senator Roach: Aligning functions of the consolidated technology services agency, office of the chief information officer, and department of enterprise services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5315 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey; Becker; Billig; Brown; Conway; Fraser; Hasegawa; Hatfield; Kohl-Welles; O'Ban; Padden; Parlette; Rolfes; Schoesler and Warnick.

Passed to Committee on Rules for second reading.

April 1, 2015

SB 5382 Prime Sponsor, Senator Parlette: Continuing tax preferences for aluminum smelters. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey; Becker; Brown; Conway; Fraser; Hatfield; Hewitt; O'Ban; Padden; Parlette; Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Hasegawa and Rolfes.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig and Kohl-Welles.

Passed to Committee on Rules for second reading.

April 1, 2015

SB 5449 Prime Sponsor, Senator Braun: Creating a tax division of the court of appeals. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5449 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey; Becker; Billig; Brown; Hewitt; Kohl-Welles; O'Ban; Padden; Parlette; Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway; Fraser; Hatfield and Rolfes.

Passed to Committee on Rules for second reading.

April 1, 2015

SB 5541 Prime Sponsor, Senator Hill: Improving tax fairness for businesses engaged in electronic commerce by eliminating inconsistent tax treatment of digital business inputs, ensuring that prewritten computer software developers remain eligible for the manufacturing machinery and equipment sales and use tax exemption, and providing greater clarity for out-of-state sellers concerning their tax obligations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5541 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey; Billig; Brown; Conway; Fraser; Hasegawa; Hatfield; Kohl-Welles; O'Ban; Parlette; Rolfes; Schoesler and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Hewitt and Padden.

Passed to Committee on Rules for second reading.

April 1, 2015

SB 5575 Prime Sponsor, Senator Braun: Providing sales and use tax exemptions to encourage coal-fired electric generation plants to convert to natural gas-fired plants. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5575 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey; Becker; Brown; Conway; Fraser; Hatfield; Hewitt; Kohl-Welles; O'Ban; Padden; Parlette; Rolfes; Schoesler and Warnick.

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MINORITY recommendation: Do not pass. Signed by Senator Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Billig.

Passed to Committee on Rules for second reading.

April 1, 2015

SB 5665 Prime Sponsor, Senator Hill: Reinstating tax preferences for high-technology research and development. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5665 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Bailey; Becker; Billig; Brown; Hatfield; Hewitt; Kohl-Welles; O'Ban; Padden; Parlette; Rolfes; Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Hargrove, Ranking Member; Conway; Fraser and Hasegawa.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Ranker, Ranking Minority Member, Operating.

Passed to Committee on Rules for second reading.

April 1, 2015

SB 5681 Prime Sponsor, Senator Hill: Concerning state lottery accounts. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5681 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey; Becker; Billig; Brown; Conway; Fraser; Hasegawa; Hatfield; Hewitt; Kohl-Welles; O'Ban; Padden; Parlette; Rolfes; Schoesler and Warnick.

Passed to Committee on Rules for second reading.

April 1, 2015

SB 5698 Prime Sponsor, Senator Hewitt: Extending the expiration date of tax preferences for food processing. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey; Becker; Billig; Brown; Fraser; Hatfield; Hewitt; Kohl-Welles; O'Ban; Padden; Parlette; Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Rolfes.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

April 1, 2015

SB 5708 Prime Sponsor, Senator Ericksen: Concerning the taxation of certain rented property owned by nonprofit fair associations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5708 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Bailey; Becker; Billig; Brown; Conway; Fraser; Hatfield; Hewitt; Kohl-Welles; O'Ban; Padden; Parlette; Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member, Operating; Hasegawa and Rolfes.

Passed to Committee on Rules for second reading.

April 1, 2015

SB 5827 Prime Sponsor, Senator Warnick: Providing a sales and use tax exemption for eligible server equipment installed in certain data centers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5827 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Bailey; Becker; Brown; Conway; Fraser; Hasegawa; Hatfield; Hewitt; O'Ban; Padden; Parlette; Schoesler and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig; Kohl-Welles and Rolfes.

Passed to Committee on Rules for second reading.

April 1, 2015

SB 5878 Prime Sponsor, Senator Bailey: Concerning nonresident vessel permits and taxation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey; Becker; Billig; Brown; Fraser; Hatfield; Hewitt; Kohl-Welles; O'Ban; Padden; Parlette; Rolfes; Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Conway and Hasegawa.

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Passed to Committee on Rules for second reading.

April 1, 2015

SB 5916 Prime Sponsor, Senator Brown: Enacting the tourism marketing act. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5916 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Bailey; Becker; Brown; Hatfield; Hewitt; Kohl-Welles; Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member, Operating; Hasegawa and Rolfes.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig; Conway; O'Ban; Padden and Parlette.

Passed to Committee on Rules for second reading.

April 1, 2015

SB 6013 Prime Sponsor, Senator Roach: Providing use tax relief for individuals who support charitable activities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Bailey; Becker; Billig; Brown; Conway; Hatfield; Hewitt; O'Ban; Padden; Parlette; Rolfes; Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Hasegawa and Kohl-Welles.

Passed to Committee on Rules for second reading.

April 1, 2015

SB 6045 Prime Sponsor, Senator Becker: Extending the hospital safety net assessment. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6045 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Bailey; Becker; Brown; Hewitt; O'Ban; Padden; Parlette; Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Billig; Conway; Fraser; Hasegawa; Hatfield; Kohl-Welles and Rolfes.

Passed to Committee on Rules for second reading.

April 1, 2015

SB 6062 Prime Sponsor, Senator Hill: Relating to marijuana. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6062 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Bailey; Becker; Brown; Hewitt; O'Ban; Padden; Parlette; Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Conway; Fraser; Hasegawa; Kohl-Welles and Rolfes.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hargrove, Ranking Member; Ranker, Ranking Minority Member, Operating; Billig and Hatfield.

Passed to Committee on Rules for second reading.

April 1, 2015

SB 6088 Prime Sponsor, Senator Braun: Making K-12 education enhancements. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6088 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Bailey; Becker; Brown; Hewitt; O'Ban; Padden; Parlette; Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Billig; Conway; Fraser; Hasegawa; Hatfield; Kohl-Welles and Rolfes.

Passed to Committee on Rules for second reading.

April 1, 2015

ESB 6089 Prime Sponsor, Senator Hill: Concerning health benefit exchange sustainability. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Bailey; Becker; Brown; Hewitt; O'Ban; Padden; Parlette; Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Billig; Conway; Fraser; Hasegawa; Hatfield; Kohl-Welles and Rolfes.

Passed to Committee on Rules for second reading.

April 1, 2015

HB 1652 Prime Sponsor, Representative Cody: Concerning medicaid managed health care system payments for health care services provided by nonparticipating providers. Reported by Committee on Ways & Means

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MAJORITY recommendation: Do pass as amended by Committee on Health Care. Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey; Becker; Billig; Brown; Conway; Fraser; Hasegawa; Hatfield; Hewitt; Kohl-Welles; O'Ban; Padden; Parlette; Rolfes; Schoesler and Warnick.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6090 by Senators Miloscia and Jayapal

AN ACT Relating to the overpayment of wages by a municipal corporation; and amending RCW 49.48.210.

Referred to Committee on Commerce & Labor.

SB 6091 by Senators Dammeier, O'Ban, Conway and Becker

AN ACT Relating to the definition of slayer; and amending RCW 11.84.010.

Referred to Committee on Law & Justice.

SB 6092 by Senator Roach

AN ACT Relating to providing funding for certain commissioned court marshals of county sheriff's offices to be added to the definition of uniformed personnel for the purposes of public employees' collective bargaining; and amending RCW 41.56.030 and 12.40.020.

Referred to Committee on Ways & Means.

SB 6093 by Senators Chase and McAuliffe

AN ACT Relating to restoring the taxation of intangible property to provide additional funding for public schools; amending RCW 84.36.070, 84.36.110, and 6.13.030; adding a new chapter to Title 84 RCW; creating a new section; repealing RCW 84.04.150 and 84.36.600; and providing for submission of this act to a vote of the people.

Referred to Committee on Ways & Means.

SB 6094 by Senators Kohl-Welles, Frockt, Hargrove and McAuliffe

AN ACT Relating to freezing resident undergraduate tuition at the four-year institutions of higher education; amending RCW 28B.15.067; and creating a new section.

Referred to Committee on Higher Education.

SB 6095 by Senators Kohl-Welles, Braun, Frockt and Hargrove

AN ACT Relating to state funding for the enrollments of the state's institutions of higher education; amending RCW 28B.10.776, 28B.10.778, 28B.10.784, and 43.88C.010; creating a new section; and repealing RCW 28B.10.780 and 28B.10.782.

Referred to Committee on Higher Education.

SB 6096 by Senators Becker, Litzow, Parlette, Bailey, Hill, Fain, Dammeier, Brown, Rivers, Roach and McAuliffe

AN ACT Relating to cancer research; amending RCW 28A.400.350 and 41.05.065; and adding a new chapter to Title 43 RCW.

Referred to Committee on Ways & Means.

MOTION

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

MOTION

At 8:06 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:25 p.m. by President Owen.

MOTION TO LIMIT DEBATE

Senator Fain: “Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through April 2, 2015.”

Senator Billig spoke against the motion

Senator Nelson demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

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

The President declared the question before the Senate to be the motion by Senator Fain that the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through April 2, 2015.”

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The Secretary called the roll on the motion by Senator Fain and the motion carried by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

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

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

MOTION

On motion of Senator Fain, 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

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

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Schoesler moved that Laura J. Powell, Gubernatorial Appointment No. 9139, be confirmed as a member of the Board of Regents, Washington State University.

Senator Schoesler spoke in favor of the motion.

APPOINTMENT OF LAURA J. POWELL

The President declared the question before the Senate to be the confirmation of Laura J. Powell, Gubernatorial Appointment No. 9139, as a member of the Board of Regents, Washington State University.

The Secretary called the roll on the confirmation of Laura J. Powell, Gubernatorial Appointment No. 9139, as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Laura J. Powell, Gubernatorial Appointment No. 9139, having received the constitutional majority was declared confirmed as a member of the Board of Regents, Washington State University.

MOTION

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

MOTION

Senator Fain moved adoption of the following resolution:

SENATE RESOLUTION
8658

By Senator Fain

WHEREAS, The Senate adopted permanent rules for the 2015-2017 biennium under Senate Resolution 8601; and

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

NOW, THEREFORE, BE IT RESOLVED, That Rule 53 is amended as follows:

"**Rule 53.** ((~~Reserved~~)) No amendment to the budget, capital budget, or supplemental budget, not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of sixty percent of the senators elected or appointed."

MOTION

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

On page 1, beginning on line 7, after "No amendment to the" strike "budget, capital budget," and insert "operating budget"

Senators Fain, Sheldon and Baumgartner spoke in favor of adoption of the amendment.

Senators Rolfes and Nelson spoke against adoption of the amendment.

REMARKS BY THE PRESIDENT

President Owen: "Senator Baumgartner. The President is going to remind the members right now because obviously there's some tension in the room about whether or not, about the number of amendments, etc. You are to keep your remarks solely to the merits of the issue and the President will not tolerate going beyond that. Your remarks were out of order Senator Baumgartner.".

Senator Fraser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Hasegawa spoke against the adoption of the amendment.

POINT OF ORDER

Senator Hasegawa: "I would be curious about the President's opinion on whether this amendment is constitutional."

REPLY BY THE PRESIDENT

President Owen: "Senator Hasegawa, are you raising that as a point of order?"

POINT OF ORDER

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Senator Hasegawa: "I would like to raise that as a point of order."

REPLY BY THE PRESIDENT

President Owen: "Senator Hasegawa, are you raising a point of order to the amendment because your point is not well taken if you're raising it to the amendment."

Senator Chase spoke against the adoption of the amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Fain to Senate Resolution No. 8658 and the amendment was adopted by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, Miloscia, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators McCoy and Nelson

Senators Sheldon and Schoesler spoke in favor of adoption of the resolution.

Senator Hargrove spoke on adoption of the resolution.

Senators Nelson, Ranker and Rolfes spoke in favor of adoption of the resolution.

Senator Fraser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senators Conway, Kohl-Welles, Darneille, Hatfield and Hobbs spoke against adoption of the resolution.

PARLIAMENTARY INQUIRY

Senator Billig: "Does it take a sixty percent super majority to impose this super majority requirement or may just fifty percent of the body impose a sixty percent super majority requirement on the rest of the body?"

REPLY BY THE PRESIDENT

President Owen: "Amendment to the rules takes a simple majority."

Senator Jayapal spoke against adoption of the resolution.

The President declared the question before the Senate to be the motion by Senator Fain to adopt Engrossed Senate Resolution No. 8658.

The Secretary called the roll on the motion by Senator Fain and the motion carried by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

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

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

MOTION

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

SECOND READING

SENATE BILL NO. 5077, by Senators Hill and Hargrove

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

MOTION

On motion of Senator Hill, Substitute Senate Bill No. 5077 was substituted for Senate Bill No. 5077 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Nelson, Senator Hobbs was excused.

MOTION

Senator Dammeier moved that the following amendment by Senator Keiser be adopted:

On page 5, beginning on line 15, strike all material through "act;" on line 24.

Senators Dammeier and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser on page 5, line 15 to Substitute Senate Bill No. 5077.

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

MOTION

Senator Pedersen moved that the following amendment by Senator Pedersen and others be adopted.

On page 7, line 2, increase the General Fund--State (FY 2016) appropriation by $458,000.

On page 7, line 3, increase the General Fund--State (FY 2017) appropriation by $457,000.

Adjust the total appropriation accordingly.

Senators Pedersen and Habib spoke in favor of adoption of the amendment.

Senator Padden spoke against adoption of the amendment.

Senator Frockt demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Frockt, McCoy and Fraser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pedersen and others to Substitute Senate Bill No. 5077.

draft

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Pedersen and others on page 7, line 2 to Substitute Senate Bill No. 5077 and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

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

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

Excused: Senator Hobbs

POINT OF ORDER

Senator Hasegawa: "First I want to apologize for interrupting the roll call. My understanding was that the roll call was done just I tried to catch it before it was announced but I think that that's not relevant to the point of order. The Point of Order is; I would like to know if the President is going to rule that this amendment was under the sixty percent rule in order to pass. It may have influenced the decisions of some whether to vote for or not for this particular amendment and would like to know how the President would rule."

REPLY BY THE PRESIDENT

President Owen: "Senator Hasegawa, because this amendment did not receive a majority the Point of Order is not appropriately not before us. However, in subsequent amendments should an amendment receive a majority but not sixty percent then your point of order would be in order."

MOTION

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

On page 7, line 24, increase the General Fund--State (FY 2016) appropriation by $110,000.

On page 7, line 25, increase the General Fund--State (FY 2017) appropriation by $192,000.

Adjust the total appropriation accordingly.

On page 10, after line 21, insert the following:

"(12) $110,000 of the general fund--state appropriation for fiscal year 2016 and $192,000 of the general fund--state appropriation for fiscal year 2017 are provided solely for staffing, policy coordination, quality assurance and other activities related to intervention programs and detention alternative initiative services to improve juvenile court services and operations."

Senators Darneille and Pedersen spoke in favor of adoption of the amendment.

Senator Pedersen demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Padden spoke against adoption of the amendment.

Senators Habib and Nelson spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Darneille and others on page 7, line 24 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Darneille and others on page 7, line 24 to Substitute Senate Bill No. 5077 and the amendment was not adopted by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Jayapal, Keiser, Kohl-Welles, Liias, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Pedersen, Ranker, Rivers, Rolfes and Schoesler

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Hewitt, Hill, Honeyford, King, Litzow, Miloscia, Padden, Parlette, Pearson, Roach, Sheldon and Warnick

Excused: Senator Hobbs

POINT OF ORDER

Senator Fain: "That amendment was not adopted with 27 votes for clarity this evening I would ask Mr. President if the President believes that the thirty vote threshold is within the constitutional parameters of the Senate."

RULING BY THE PRESIDENT

President Owen: "Senator Fain is raising the question as to whether or not the sixty percent requirement to pass the amendment is within the rules allowed the constitution I guess it would be or by anything."

Senator Hasegawa spoke on the point of order.

MOTION

Senator Darneille moved that the following amendment by Senator Darneille and others be adopted.

On page 11, line 18, increase the General Fund--State (FY 2016) appropriation by $1,716,000.

On page 11, line 19, increase the General Fund--State (FY 2017) appropriation by $1,960,000.

Adjust the total appropriation accordingly.

On page 11, line 23, after "limitations:" insert "(1)".

On page 11, after line 27, insert the following:

"(2) $1,440,000 of the general fund--state appropriation for fiscal year 2016 and $1,440,000 of the general fund--state appropriation for fiscal year 2017 are provided solely to increase civil legal aid services through the northwest justice project, local programs that refer clients to volunteer attorneys for civil legal aid services, and to increase capacity at four local programs that provide specialized legal services to discrete client populations.

(3) $237,000 of the general fund--state appropriation for fiscal year 2016 and $481,000 of the general fund--state appropriation for fiscal year 2017 are provided solely to fund periodic step increases and associated employee payroll taxes and benefits for contracted attorneys providing civil legal aid services at the northwest justice project.

(4) $39,000 of the general fund--state appropriation for fiscal year 2016 and $39,000 of the general fund--state appropriation for fiscal year 2017 are provided solely for administrative support staff for the office."

draft

Senator Darneille spoke in favor of adoption of the amendment.

Senator Darneille demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senators Frock, Pedersen, Habib and McCoy spoke in favor of adoption of the amendment.

Senator Parlette spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Darneille and others on page 11, line 18 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Darneille and others on page 11, line 18 to Substitute Senate Bill No. 5077 and the amendment was not adopted by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Jayapal, Keiser, Kohl-Welles, Liias, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Pedersen, Ranker, Rivers, Roach and Rolfes

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

Excused: Senator Hobbs

MOTION

Senator O'Ban moved that the following amendment by Senators O'Ban and Braun be adopted:

On page 11, line 27, after "program.", insert "To achieve efficiencies and to manage within appropriated amounts, beginning January 1, 2016, the office is directed to implement the child legal representation program for children under RCW 13.34.100 using attorneys under contract directly with the office in a manner similar to the parents representation program at the office of public defense. The office must consult with counties, county courts, and the office of public defense prior as it implements this operational change."

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

The President declared the question before the Senate to be the adoption of the amendment by Senators O'Ban and Braun on page 11, line 27 to Substitute Senate Bill No. 5077.

The motion by Senator O'Ban carried and the amendment was adopted by voice vote.

MOTION

Senator Hasegawa moved that the following amendment by Senator Hasegawa and others be adopted.

On page 17, line 26, after "limitations:" insert "(1)"

On page 17, after line 31, insert the following:

"(2)(a) The caseload forecast council, in cooperation with the appropriate legislative committees and legislative staff, the office of financial management, the department of corrections, the department of social and health services, the administrative office of the courts, the minority and justice commission, the Washington state institute for public policy, the department of early learning, the student achievement council, the state board of education, the sentencing guidelines commission, and a person from communities at large deemed appropriate must develop recommendations for procedures and tools which will enable them to provide cost-effective racial and ethnic impact statements to legislative bills affecting criminal justice, human services, and education caseloads forecasted by the caseload forecast council. The recommendations for the racial and ethnic impact statements must be able to identify the positive and negative impacts on communities as a result of proposed or adopted legislation. The caseload forecast council must submit a report to the governor and appropriate committees of the legislature on or before December 31, 2015, outlining recommendations for procedures and tools necessary to provide racial and ethnic impact statements to criminal justice, human services, and education caseloads.

(b) As used in this section, "community" means a group of people who share some or all of the following characteristics: Geographic boundaries, sense of membership, culture, language, or common norms and interests. Community includes, but is not limited to, populations distinguished by their special education status, sexual orientation, ethnicity, primary language, or race."

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

Senators Hasegawa, Darneille and Jayapal spoke in favor of adoption of the amendment.

Senator McCoy demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

On motion of Senator Roach, Senator Ericksen was excused.

Senators McCoy, Nelson and Habib spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa and others on page 17, line 26 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Hasegawa and others on page 17, line 26 to Substitute Senate Bill No. 5077 and the amendment was not adopted by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

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

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

Excused: Senators Ericksen and Hobbs

MOTION

Senator Jayapal moved that the following amendment by Senator Jayapal be adopted:

On page 17, line 33, increase the General Fund--State (FY 2016) appropriation by $50,000.

draft

On page 17, line 34, increase the General Fund--State (FY 2017) appropriation by $50,000.

On page 18, strike line 25.

Adjust the total appropriation accordingly.

On page 23, line 16, strike everything down and through line 20, and insert:

"(25) $50,000 of the general fund--state appropriation for fiscal year 2016 and $50,000 of the general fund--state appropriation for fiscal year 2017 is provided solely for a public information and awareness campaign to educate and inform the public of the regulations proposed and/or adopted by the consumer financial protection bureau of the department of financial institutions regarding payday loans, vehicle title loans, deposit advance products, and certain high-cost installment loans and open-end loans. The campaign must emphasize the legal restrictions and prohibitions on the activities of small consumer licensees and their agents and inform the public of remedies available to report and seek relief when a licensee or its agents violate regulations or engage in prohibited acts. If Substitute Senate Bill 5899 (small consumer loans) is not enacted by June 30, 2015, the amounts provided in this subsection shall lapse."

On page 258, line 32, after "revenue." Insert "No funds may be expended from the fund for the purposes of implementing chapter ... (ESSB 5899), Laws of 2015.

WITHDRAWAL OF AMENDMENT

On motion of Senator Jayapal, the amendment by Senator Jayapal on page 17, line 33 to Substitute Senate Bill No. 5077 was withdrawn.

MOTION

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

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

"(36) The appropriations to the department of commerce in this act shall not be expended in furtherance of a contract with an entity that is not in compliance with federal and state laws prohibiting discrimination, including but not limited to Title VII of the civil rights act, the Americans with disabilities act, and chapter 49.60 RCW."

Renumber the subsections consecutively and correct internal references accordingly.

On page 38, after line 6, insert the following:

"(7) The appropriations to the department of enterprise services in this act shall not be expended in furtherance of a contract with an entity that is not in compliance with federal and state laws prohibiting discrimination, including but not limited to Title VII of the civil rights act, the Americans with disabilities act, and chapter 49.60 RCW."

Renumber the subsections consecutively and correct internal references accordingly.

On page 40, after line 32, insert the following:

"(6) The appropriations to the department of social and health services in this act shall not be expended in furtherance of a contract with an entity that is not in compliance with federal and state laws prohibiting discrimination, including but not limited to Title VII of the civil rights act, the Americans with disabilities act, and chapter 49.60 RCW."

Renumber the subsections consecutively and correct internal references accordingly.

On page 133, after line 16, insert the following:

"(42) The appropriations to the office of the superintendent of public instruction in this act shall not be expended in furtherance of a contract with an entity that is not in compliance with federal and state laws prohibiting discrimination, including but not limited to Title VII of the civil rights act, the Americans with disabilities act, and chapter 49.60 RCW."

Renumber the subsections consecutively and correct internal references accordingly.

Senators Ranker, Liias and Darneille spoke in favor of adoption of the amendment.

Senator O'Ban spoke against adoption of the amendment.

Senator McCoy demanded a roll call.

The President declared that one-sixth of the members did not support the demand and the demand was not sustained.

Senators McCoy, Fraser Jayapal, Nelson, Kohl-Welles and Chase spoke in favor of adoption of the amendment.

MOTION

Senator Rolfes moved that Rule 53 be suspended for the adoption of the amendment by Senator Ranker and others to Substitute Senate Bill No. 5077.

Senator Nelson demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Rolfes that to suspend Rule 53 to adopt the amendment by Senator Ranker and others on page 25, after line 25 to Substitute Senate Bill No. 5077.

The Secretary called the roll on the motion by Senator Rolfes and the motion failed by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

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

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

Excused: Senators Ericksen and Hobbs

The President declared the question before the Senate to be the adoption of the amendment by Senator Ranker and others on page 25, after line 25 to Substitute Senate Bill No. 5077.

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

MOTION

At 7:01 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 7:28 p.m. by President Owen.

REMARKS BY THE PRESIDENT

President Owen: “Before it becomes too late and we’re in the next day the President thought it might be appropriate at this point that he points out and wishes a Happy Birthday to Senator Dansel today. Happy Birthday.”

draft

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President. I actually don't care if he does have a birthday today."

PERSONAL PRIVILEGE

Senator Dansel: "Thank you Mr. President. I believe that's because I've had a lot fewer than Senator Hewitt."

MOTION

Senator Habib moved that the following amendment by Senators Habib and Jayapal be adopted.

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

"(36) The appropriations to the department of commerce in this act shall not be expended in furtherance of a contract with an entity that is does not pay its employees the state's minimum hourly wage as provided in RCW 49.46.020 plus an additional fifty cents beginning January 1, 2015, increasing to one dollar January 1, 2016."

Renumber the subsections consecutively and correct internal references accordingly.

On page 38, after line 6, insert the following:

"(7) The appropriations to the department of enterprise services in this act shall not be expended in furtherance of a contract with an entity that does not pay its employees the state's minimum hourly wage as provided in RCW 49.46.020 plus an additional fifty cents beginning January 1, 2015, increasing to one dollar January 1, 2016. The requirement contained in this subsection shall also apply to any contract paid during the 2015-2017 fiscal biennium by the department with from funds or accounts in the custody of the state treasurer."

Renumber the subsections consecutively and correct internal references accordingly.

On page 40, after line 32, insert the following:

"(6) The appropriations to the department of social and health services in this act shall not be expended in furtherance of a contract with an entity that does not pay its employees the state's minimum hourly wage as provided in RCW 49.46.020 plus an additional fifty cents beginning January 1, 2015, increasing to one dollar January 1, 2016."

Renumber the subsections consecutively and correct internal references accordingly.

On page 133, after line 16, insert the following:

"(42) The appropriations to the office of the superintendent of public instruction in this act shall not be expended in furtherance of a contract with an entity that does not pay its employees the state's minimum hourly wage as provided in RCW 49.46.020 plus an additional fifty cents beginning January 1, 2015, increasing to one dollar January 1, 2016."

Renumber the subsections consecutively and correct internal references accordingly.

Senator Habib spoke in favor of adoption of the amendment.

MOTION

Senator Fain demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Fain carried and the previous question was put by voice vote.

MOTION

On motion of Senator Kohl-Welles, Senator Ranker was excused.

Senator Nelson demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Habib and Jayapal on page 25, after line 25 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Habib and Jayapal on line 25 after line 25 to Substitute Senate Bill No. 5077 and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Jayapal, Keiser, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Nelson, Pedersen and Rolfes

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

Excused: Senators Hobbs and Ranker

MOTION

Senator Habib moved that the following amendment by Senators Habib and Jayapal be adopted.

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

"(36) The appropriations to the department of commerce in this act shall not be expended in furtherance of a contract with an entity that is does not provide comparable sick and safe leave to its workers as provided to workers within the city of Seattle."

Renumber the subsections consecutively and correct internal references accordingly.

On page 38, after line 6, insert the following:

"(7) The appropriations to the department of enterprise services in this act shall not be expended in furtherance of a contract with an entity that does not provide comparable sick and safe leave to its workers as provided to workers within the city of Seattle. The requirement contained in this subsection shall also apply to any contract paid during the 2015-2017 fiscal biennium by the department with from funds or accounts in the custody of the state treasurer."

Renumber the subsections consecutively and correct internal references accordingly.

On page 40, after line 32, insert the following:

"(6) The appropriations to the department of social and health services in this act shall not be expended in furtherance of a contract with an entity that does not provide comparable sick and safe leave to its workers as provided to workers within the city of Seattle."

Renumber the subsections consecutively and correct internal references accordingly.

On page 133, after line 16, insert the following:

"(42) The appropriations to the office of the superintendent of public instruction in this act shall not be expended in furtherance of a contract with an entity that does not provide comparable sick and safe leave to its workers as provided to workers within the city of Seattle."

draft

Renumber the subsections consecutively and correct internal references accordingly.

POINT OF ORDER

Senator Habib: "Mr. President. I'm glad that the Majority floor leader was so impressed with my last speech that he closed after hearing it. I would ask that pursuant to Rule 64 we hear the entire amendment for two reasons; first, because without proper debate members may not fully understand the import of the amendment before them and secondly because since we've not had time to have these amendments put in braille and distributed to me in a fashion that I can read I would like to have it read to the body. Thank you Mr. President."

Senator Habib spoke in favor of adoption of the amendment.

Senator Habib demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

Senator Fain demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Fain carried and the previous question was put by voice vote.

The President declared the question before the Senate to be the adoption of the amendment by Senators Habib and Jayapal on page 25, after line 25 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Habib and Jayapal to Substitute Senate Bill No. 5077 and the amendment was not adopted by the following vote: Yeas, 24; Nays, 23; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Billig, Chase, Cleveland, Conway, Darneille, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Jayapal, Keiser, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, Pedersen and Rolfes

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

Excused: Senators Hobbs and Ranker

MOTION

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

Senators McCoy and Fraser spoke in favor of adoption of the amendment.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators McCoy and Fraser on page 38, line 12 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator McCoy and Fraser on page 38, line 12 to Substitute Senate Bill No. 5077 and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

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

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

Excused: Senator Hobbs

MOTION

Senator Darneille moved that the following amendment by Senator Darneille and other be adopted:

On page 40, line 35, increase the General Fund--State (FY 2016) appropriation by $2,730,000.

On page 40, line 36, increase the General Fund--State (FY 2017) appropriation by $2,730,000.

Adjust the total appropriations accordingly.

WITHDRAWAL OF AMENDMENT

On motion of Senator Darneille, the amendment by Senator Darneille and others on page 40, line 35 to Substitute Senate Bill No. 5077 was withdrawn.

MOTION

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

On page 40, line 35, increase the General Fund--State (FY 2016) appropriation by $1,941,000.

On page 40, line 36, increase the General Fund--State (FY 2017) appropriation by $2,526,000.

On page 40, line 37, decrease the General Fund--Federal appropriation by $779,000.

Adjust the total appropriations accordingly.

Senator Darneille demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senators Darneille and Nelson spoke in favor of adoption of the amendment.

MOTION

Senator Fain demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

Senator Nelson demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

draft

The President declared the question before the Senate to be the motion by Senator Fain that "Shall the main question be now put?"

The Secretary called the roll on the motion by Senator Fain "Shall the main question be put?"and the motion carried by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

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

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

Excused: Senator Hobbs

The President declared the question before the Senate to be the adoption of the amendment by Senator Darneille on page 40, line 35 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Darneille on page 40, line 35 to Substitute Senate Bill No. 5077 and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

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

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

Excused: Senator Hobbs

MOTION

Senator Darneille moved that the following amendment by Senator Darneille be adopted:

On page 45, line 9, increase the General Fund-State Appropriation by $2,028,000 for FY 2016 and adjust the total accordingly.

On page 45, line 10, increase the General Fund-State Appropriation by $1,920,000 for FY 2017 and adjust the total accordingly.

On page 50, line 1, insert the following:

"(12) $2,028,000 of the general fund-state appropriation for fiscal year 2016 and $1,920,000 of the general fund-state appropriation for fiscal year 2017 are provided solely for juvenile rehabilitation to provide evidence-based functional family parole (FFP) Aftercare Services to all youth leaving juvenile rehabilitation (JR) residential care."

WITHDRAWAL OF AMENDMENT

On motion of Senator Darneille, the amendment by Senator Darneille on page 45, line 9 to Substitute Senate Bill No. 5077 was withdrawn.

MOTION

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

On page 45, line 9, increase the General Fund-State Appropriation by $1,889,000 for FY 2016 and adjust the total accordingly.

On page 45, line 10, increase the General Fund-State Appropriation by $1,889,000 for FY 2017 and adjust the total accordingly.

On page 50, line 1, insert the following:

"(12) $1,889,000 of the general fund-state appropriation for fiscal year 2016 and $1,889,000 of the general fund-state appropriation for fiscal year 2017 are provided solely for juvenile rehabilitation to provide evidence-based functional family parole (FFP) Aftercare Services to all youth leaving juvenile rehabilitation (JR) residential care."

Senator Darneille spoke in favor of adoption of the amendment.

Senator Darneille demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

Senator Fain demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

Senator Cleveland demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Fain that "Shall the main question be now put?"

The Secretary called the roll on the motion by Senator Fain "Shall the main question be put?"and the motion carried by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

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

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

Excused: Senator Hobbs

The President declared the question before the Senate to be the adoption of the amendment by Senator Darneille on page 35, line 9 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Darneille on page 45, line 9 to Substitute Senate Bill No. 5077 and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield,

draft

Jayapal, Keiser, Kohl-Welles, Liias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

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

Excused: Senator Hobbs

MOTION

Senator Jayapal moved that the following amendment by Senator Jayapal and others be adopted.

On page 50, line 4, increase the General Fund-State appropriation for FY 2016 by $15,055,000.

On page 50, line 5, increase the General Fund-State appropriation for FY 2017 by $15,166,000.

On page 50, line 6, increase the General Fund--Federal appropriation by $16,468,000.

Adjust the total accordingly.

On page 50, line 27 strike "$69,653,000" and insert "$76,532,000".

On page 50, line 28 strike "$69,518,000" and insert "$76,398,000".

On page 50, strike everything from line 35 through "additional" on page 51, line 1, and insert "A".

On page 54, after line 12, strike all of subsection (o).

Senator Jayapal spoke in favor of adoption of the amendment.

Senator Jayapal demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

POINT OF ORDER

Senator Fain: “Thank you Mr. President, .My question is if members are allowed to read their remarks.”

MOTION

Senator Fain demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, “Shall the main question be now put?”

Senator Cleveland demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Fain that “Shall the main question be now put?”

The Secretary called the roll on the motion by Senator Fain “Shall the main question be put?”and the motion carried by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

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

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

Excused: Senator Hobbs

The President declared the question before the Senate to be the adoption of the amendment by Senator Jayapal and others on page 50, line 4 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Jayapal and others on page 50, line 4 to Substitute Senate Bill No. 5077 and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

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

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

Excused: Senator Hobbs

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles be adopted:

On page 50, line 4, increase the General Fund-State appropriation for FY 2016 by $7,000,000.

On page 50, line 5, increase the General Fund-State appropriation for FY 2017 by $7,000,000.

Adjust the total accordingly.

On page 55, after line 9, insert the following:

"(t) $7,000,000 of the general fund--state appropriation for fiscal year 2016 and $7,000,000 of the general fund--state appropriation for fiscal year 2017 are provided solely for community mental health treatment to be distributed in the same manner as subsection (c) of this section."

Senators Kohl-Welles and Keiser spoke in favor of adoption of the amendment.

MOTION

Senator Fain demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, “Shall the main question be now put?”

Senator Rolfes demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Fain that “Shall the main question be now put?”

The Secretary called the roll on the motion by Senator Fain “Shall the main question be put?”and the motion carried by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

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

draft

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

Excused: Senator Hobbs

Senator Rolfes demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Kohl-Welles on page 50, line 4 to Substitute Senate Bill No. 5077 and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

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

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

Excused: Senator Hobbs

MOTION

Senator Conway moved that the following amendment by Senator Conway be adopted:

On page 55, line 11, increase the General Fund-State Appropriation for FY 2016 by $2,212,000 and adjust the total appropriately.

On page 55, line 12, increase the General Fund-State Appropriation for FY 2017 by $2,090,000 and adjust the total appropriately.

On page 57, line 3, insert the following:

"(i) $2,212,000 of the general fund-state appropriation for fiscal year 2016 and $2,090,000 of the general fund-state appropriation for fiscal year 2017 are provided solely for safety improvements at the state hospitals in accordance with the implementation of a settlement agreement with the department of labor and industries. These amounts must be used to provide safety skills and related training for employees of the state psychiatric hospitals, including additional staffing necessary to provide patient care when staff are participating in training. These amounts must also be used for staff costs associated with investigation and root cause analysis of assaults that result in injuries and implementation of process improvement plans to prevent future injuries."

MOTION

Senator Fain moved to table the amendment by Senator Conway on page 55, line 11 to Substitute Senate Bill No. 5077.

PARLIAMENTARY INQUIRY

Senator Fraser: “My inquiry is, what kind of vote does it take to lay on the table while we’re operating under the sixty percent rule. Is it simple majority or is it sixty percent?”

REPLY BY THE PRESIDENT

President Owen: “Simple majority.”

PARLIAMENTARY INQUIRY

Senator Rolfes: “Is it in order to request a roll call on the motion to table?”

Senator Rolfes demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Conway and Nelson spoke against the motion to table.

Senator Fain spoke in favor of the motion to table.

The President declared the question before the Senate to be the motion by Senator Fain to lay upon the table the amendment by Senator Conway and others, on page 55, line 11 to Substitute Senate Bill No. 5077.

The Secretary called the roll on the motion by Senator Fain to lay upon the table the amendment by Senator Conway and others, on page 55, line 11 to Substitute Senate Bill No. 5077 and the motion carried by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

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

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

Excused: Senator Hobbs

MOTION

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

On page 58, line 29, increase the General Fund-State Appropriation (FY 2016) by $6,193,000.

On page 58, line 30, increase the General Fund-State Appropriation (FY 2017) by $12,472,000.

On page 58, line 31, increase the General Fund-Federal Appropriation by $18,708,000.

Adjust totals accordingly

On page 61, after line 30, insert the following:

"(l) The department of social and health services shall increase the benchmark rates for community residential service businesses providing supported living, group home, and licensed staffed residential services for people with developmental disabilities by sixty cents starting July 1, 2015, and by an additional sixty cents starting July 1, 2016."

MOTION

Senator Fain moved to table the amendment by Senator Keiser and other on page 58, line 29 to Substitute Senate Bill No. 5077.

PARLIAMENTARY INQUIRY

Draft

Senator Keiser: "Yes, I believe the amendment before us is one that we worked together across the aisle about having to do with the supportive living, direct care component for our DD community. It's an important issue, needs consideration and I believe we have a need to discuss…"

POINT OF ORDER

Senator Fain: "Inquiry whether that Point of order is a point of order?"

REPLY BY THE PRESIDENT

President Owen: "That's a good point. The President assumed that she was arguing whether or not to lay the amendment on the table or not."

PARLIAMENTARY INQUIRY

Senator Keiser: "Thank you Mr. President. Yes, that was my intent because to lay an amendment on the table of course is not to consider the content and I would ask that we do not take that action considering the support that's been broad on this issue and by-partisan."

REMARKS BY SENATOR FAIN

Senator Fain: "And again I wish to explain the reason for the motion. As we have been moving along and voting these amendments one at a time I think that is a reasonable progression through the bill on the amendments. The decision to have the amendments read in full, the decisions to ask for roll call votes on every single motion is I believe by definition obstructive and I think that is the purpose for unfortunately having to make this motion."

POINT OF ORDER

Senator Billig: "I'd like to respond to the comments from the gentleman."

REMARKS BY THE PRESIDENT

President Owen: "It's not allowed. A motion to lay on the table is non-debatable. The President just allows each side to make one statement and that has been done."

POINT OF ORDER

Senator Billig: "I believe the gentleman has impeached the motives of the minority and I'd like to say that the reason that we…"

The President declared the question before the Senate to be the motion by Senator Fain to lay upon the table the amendment by Senator Keiser and others, on page 58, line 29 to Substitute Senate Bill No. 5077.

The Secretary called the roll on the motion by Senator Fain to lay upon the table the amendment by Senator Keiser and others, on page 58, line 29 to Substitute Senate Bill No. 5077 and the motion carried by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

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

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

Excused: Senator Hobbs

MOTION

Senator Frockt moved that the following amendment by Senators Frockt and Hasegawa be adopted:

On page 68, line 3, increase the General Fund--State (FY 2016) appropriation by $500,000.

On page 68, line 4, increase the General Fund--State (FY 2017) appropriation by $500,000.

Adjust the total appropriation accordingly.

On page 71, after line 18, insert the following:

"(10) $500,000 of the general fund--state appropriation for fiscal year 2016 and $500,000 of the general fund--state appropriation for fiscal year 2017 are provided solely for the Washington Information Network."

Senators Frockt and Hasegawa spoke in favor of adoption of the amendment.

MOTION

Senator Fain demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

Senator Cleveland demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Fain that "Shall the main question be now put?"

The Secretary called the roll on the motion by Senator Fain "Shall the main question be put?"and the motion carried by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

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

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

Excused: Senator Hobbs

The President declared the question before the Senate to be the adoption of the amendment by Senators Frockt and Hasegawa on page 68, line 3 to Substitute Senate Bill No. 5077.

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

MOTION

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

draft

On page 68, line 3, increase the General Fund--State (FY 2016) appropriation by $10,809,000.

On page 68, line 4, increase the General Fund--State (FY 2017) appropriation by $20,625,000.

Adjust the total appropriation accordingly.

On page 73, after line 7 insert the following:

"(10) As recommended by Public Law 113-186, the department shall waive the reporting requirements under RCW 43.215.135 (2) starting January 1, 2016 to provide Working Connections Child Care recipients twelve months of continuous child care."

Senator Billig spoke in favor of adoption of the amendment.

MOTION

Senator Fain demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

Senator Cleveland demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Fain that "Shall the main question be now put?"

The Secretary called the roll on the motion by Senator Fain "Shall the main question be put?"and the motion carried by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

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

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

Excused: Senator Hobbs

PARLIAMENTARY INQUIRY

Senator Billig: "Senator Frock was very eager to speak on this so may I yield my three minutes of closing."

REPLY BY THE PRESIDENT

President Owen: "No. You may not."

Senator Billig again spoke in favor of adoption of the amendment.

Senator Billig demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Billig and others on page 68, line 3 to Substitute Senate Bill No. 5077 and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

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

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

Excused: Senator Hobbs

MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove be adopted:

On page 68, line 3, increase the General Fund--State (FY 2016) appropriation by $22,364,000.

On page 68, line 4, increase the General Fund--State (FY 2017) appropriation by $21,166,000.

Adjust the total appropriation accordingly.

On page 68, line 29, after "(b)" strike "$281,135,000" and insert "$324,665,000".

Senator Hargrove spoke in favor of adoption of the amendment.

MOTION

Senator Fain demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Fain carried and the previous question was put by voice vote.

Senator Hargrove again spoke in favor of adoption of the amendment.

Senator Nelson demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Hargrove and Darneille on page 68, line 3 to Substitute Senate Bill No. 5077 and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

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

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

Excused: Senator Hobbs

MOTION

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

draft

On page 68, line 3, increase the General Fund--State (FY 2016) appropriation by $2,034,000.

On page 68, line 4, increase the General Fund--State (FY 2017) appropriation by $2,034,000.

Adjust the total appropriations accordingly.

On page 71, after line 18, insert the following:

"(10) $2,034,000 of the general fund--state appropriation for fiscal year 2016 and $2,034,000 of the general fund--state appropriation for fiscal year 2017 are provided solely for the Washington Telephone Assistance program and related staffing."

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

Senators Darneille and Fraser spoke in favor of adoption of the amendment.

Senator Darneille demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Darneille again spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Darneille and Fraser on page 68, line 3 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Darneille and Fraser on page 68, line 3 to Substitute Senate Bill No. 5077 and the amendment was not adopted by the following vote:: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

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

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

Excused: Senator Hobbs

MOTION

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

On page 68, line 3, increase the General Fund--State (FY 2016) appropriation by $863,000.

On page 68, line 4, increase the General Fund--State (FY 2017) appropriation by $863,000.

Adjust the total appropriations accordingly.

On page 68, line 10, after "(a)" strike "$155,293,000" and insert "$156,156,000".

On page 68, line 11, after "2016," strike "$157,748,000" and insert "$158,611,000".

On page 68, line 29, after "(b)", strike "$281,135,000" and insert "$282,861,000".

Senator Darneille spoke in favor of adoption of the amendment.

Senator Darneille demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

Senator Fain demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, “Shall the main question be now put?”

The motion by Senator Fain carried and the previous question was put by voice vote.

Senator Darneille again spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Darneille on page 68, line 3 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Darneille on page 68, line 3 to Substitute Senate Bill No. 5077and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

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

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

Excused: Senator Hobbs

MOTION

At 10:00 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:16 p.m. by President Owen.

MOTION

Senator Nelson moved that the following amendment by Senator Hasegawa and others be adopted.

On page 68, line 3, increase the General Fund--State (FY 2016) appropriation by $4,792,000.

On page 68, line 4, increase the General Fund--State (FY 2017) appropriation by $4,792,000.

Adjust the total appropriation accordingly.

On page 70, line 20, after "to be" strike "no less than seventy-five percent and no more than".

On page 115, line 1, increase the General Fund--State (FY 2016) appropriation by $800,000.

On page 115, line 2, increase the General Fund--State (FY 2017) appropriation by $800,000.

Adjust the total appropriation accordingly.

On page 115, line 11, after "(1)" strike "$5,308,445" and insert "$6,108,445".

On page 115, line 12, after "and" strike "$5,302,905" and insert "$6,102,905".

Senator Nelson spoke in favor of adoption of the amendment.

Senator Nelson demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

draft

MOTION

Senator Fain demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Fain carried and the previous question was put by voice vote.

Senator Nelson again spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa and others on page 68, line 3 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Hasegawa and others on page 68, line 3 to Substitute Senate Bill No. 5077 and the amendment was not adopted by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

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

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

Excused: Senator Hobbs

MOTION

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

On page 68, line 3, increase the General Fund--State (FY 2016) appropriation by $1,500,000.

On page 68, line 4, increase the General Fund--State (FY 2017) appropriation by $1,500,000.

Adjust the total appropriations accordingly.

On page 68, line 10, strike "$155,293,000" and insert "$156,793,000".

On page 68, line 11, strike "$157,748,000" and insert "$159,248,000".

On page 68, line 29, after "(b)", strike "$281,135,000" and insert "$284,135,000".

Senator Darneille spoke in favor of adoption of the amendment.

Senator Darneille demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

Senator Fain demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Fain carried and the previous question was put by voice vote.

Senator Darneille again spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Darneille on page 68, line 3 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Darneille on page 68, line 3 to Substitute Senate Bill No. 5077and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

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

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

Excused: Senator Hobbs

MOTION

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

On page 68, line 3, increase the General Fund--State (FY 2016) appropriation by $2,700,000.

On page 68, line 4, increase the General Fund--State (FY 2017) appropriation by $5,352,000.

Adjust the total appropriations accordingly.

On page 68, line 10, strike "$155,293,000" and insert "$157,993,000".

On page 68, line 11, strike "$157,748,000" and insert "$286,488,000".

On page 69, line 3, strike "422,373,000" and insert "$430,425,000".

On page 69, line 15, after "(d).", strike all of the material through line 24.

On page 188, line 4, strike all of the material through line 13.

Senator Darneille spoke in favor of adoption of the amendment.

Senator Darneille demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Darneille on page 68, line 3 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Darneille on page 68, line 3 to Substitute Senate Bill No. 5077and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

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

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

Excused: Senator Hobbs

MOTION

Senator Frockt moved that the following amendment by Senators Frockt and Keiser be adopted.

On page 76, line 12, increase the General Fund--State (FY 2016) appropriation by $5,646,000.

On page 76, line 13, increase the General Fund--State (FY 2017) appropriation by $5,862,000.

On page 76, line 14, increase the General Fund--Federal appropriation by $28,492,000.

Adjust the total appropriation accordingly.

On page 83, after line 17, insert the following:

"(ff) $5,646,000 of the general fund--state appropriation for fiscal year 2016, $5,862,000 of the general fund--state appropriation for fiscal year 2017, and $28,492,000 of the general fund--federal appropriation are provided solely for the authority to increase reimbursement rates for primary care services provided by primary care practitioners including independent nurse practitioners."

Senator Frockt spoke in favor of adoption of the amendment.

Senator Frockt demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Frockt and Keiser on page 76, line 12 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Frockt and Keiser on page 76, line 12 to Substitute Senate Bill No. 5077and the amendment was not adopted by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

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

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

Excused: Senator Hobbs

PARLIAMENTARY INQUIRY

Senator Frockt: "So, even though we're working under the sixty percent rule and we have a tie in that situation you can't tell us how you would of voted?"

REPLY BY THE PRESIDENT

President Owen: "The answer to your question is Mr. Lawyer man is 'No I'm not going to tell you. You didn't ask me how', whatever anyway."

MOTION

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

On page 76, line 12, increase the General Fund--State (FY 2016) appropriation by $850,000.

On page 76, line 13, increase the General Fund--State (FY 2017) appropriation by $850,000.

On page 76, line 14, increase the General Fund--Federal appropriation by $1,700,000.

Adjust the total appropriation accordingly.

On page 83, after line 17, insert the following:

"(ff) $850,000 of the general fund—state appropriation for fiscal year 2016, and $850,000 of the general fund-state appropriation for fiscal year 2017, and $1,700,000 million of the general fund-federal appropriation are provided solely for the authority to increase the rates for long-acting reversible contraceptive methods to be at least equal with the total rate paid for the services required to provide oral contraceptives that would have been delivered over the same period as an average patient maintains a long-acting contraceptive. The authority shall assure that rates paid for long-acting reversible contraceptives are adjusted within the medicaid take charge waiver program as well as within the Title XIX medicaid program, and that no contraceptive rate is decreased to comply with this section."

WITHDRAWAL OF AMENDMENT

On motion of Senator Jayapal, the amendment by Senator Jayapal and others on page 76, line 12 to Substitute Senate Bill No. 5077 was withdrawn.

MOTION

Senator Conway moved that the following amendment by Senators Conway and Hasegawa be adopted.

On page 87, line 24, increase the Accident Account--State (FY 2016) appropriation by $1,752,000.

On page 87, line 26, increase the Medical Account--State (FY 2017) appropriation by $309,000.

Adjust the total appropriation accordingly.

On page 91, after line 7, insert the following:

"(13) $1,752,000 of the accident account--state appropriation for fiscal year 2016 and $309,000 of the medical account--state appropriation for fiscal year 2017 are provided solely to create a workplace safety and inspection unit that will specialize in protecting workers and communities from explosions or other releases of highly hazardous chemicals at worksites."

Senator Conway spoke in favor of adoption of the amendment.

Senator Conway demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Conway and Hasegawa on page 87, line 24 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Conway and Hasegawa on page 87, line 24 to Substitute Senate Bill No. 5077and the amendment was not adopted by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

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

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

Excused: Senator Hobbs

MOTION

Senator Conway moved that the following amendment by Senators Conway and Hasegawa be adopted.

On page 87, line 24, increase the Accident Account--State (FY 2016) appropriation by $1,752,000.

On page 87, line 26, increase the Medical Account--State (FY 2017) appropriation by $309,000.

Adjust the total appropriation accordingly.

On page 91, after line 7, insert the following:

"(13) $1,752,000 of the accident account--state appropriation for fiscal year 2016 and $309,000 of the medical account--state appropriation for fiscal year 2017 are provided solely to create a unit that will specialize in protecting workers and communities from explosions or other releases of highly hazardous chemicals at worksites. This program must apply specifically to facilities that store and use large amounts of certain types of highly hazardous chemicals."

Senator Conway spoke in favor of adoption of the amendment.

Senator Conway demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Conway and Hasegawa on page 87, line 24 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Conway and Hasegawa on page 87, line 24 to Substitute Senate Bill No. 5077and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

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

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

MOTION

Senator Liias moved that the following amendment by Senator Frockt be adopted:

On page 92, line 1, increase the General Fund--State (FY 2016) appropriation by $250,000.

On page 92, line 2, increase the General Fund--State (FY 2017) appropriation by $250,000.

Adjust the total appropriation accordingly.

On page 95, after line 35, insert the following:

"(13) $250,000 of the general fund--state appropriation for fiscal year 2016 and $250,000 of the general fund--state for fiscal year 2017 are provided solely for a contract with the Washington poison center to help maintain national accreditation standards."

Senator Liias spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Frockt on page 92, line 1 to Substitute Senate Bill No. 5077.

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

MOTION

Senator Rolfes moved that the following amendment by Senator Rolfes be adopted:

On page 92, line 1, increase the General Fund--State (FY 2016) appropriation by $60,000.

Adjust the total appropriation accordingly.

On page 95, after line 35, insert the following:

"(13) $60,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for the department to conduct a feasibility study to assess cost effective options to notify neighbors of pesticide applications that occur through drift-prone methods. The study shall consider, at a minimum, the cost and requirements necessary to develop and implement an information-sharing system on pesticide use in Washington state as well as the cost and requirements necessary to implement a communication program to notify neighbors of pesticide applications that occur through drift-prone methods. No later than June 30, 2016, the department shall report to the appropriate fiscal committees of the legislature on the feasibility of such programs."

Senator Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rolfes on page 92, line 1 to Substitute Senate Bill No. 5077.

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

MOTION

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

On page 95, line 37 insert the following:

"No moneys may be expended from the appropriations in this act for any execution ordered under chapter 10.95 RCW."

Senator Habib spoke in favor of adoption of the amendment.

Senator Habib demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Habib on page 95, line 37 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Habib on page 95, line 37 to Substitute Senate Bill No. 5077and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Chase, Cleveland, Darneille, Fain, Fraser, Frockt, Habib, Hasegawa, Jayapal, Keiser,

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Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, Pedersen, Ranker and Rolfes

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Conway, Dammeier, Dansel, Ericksen, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Honeyford, King, Liias, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Warnick

MOTION

Senator Billig moved that the following amendment by Senators Billig, Baumgartner and McCoy be adopted:

On page 103, line 31, increase the State Toxics Control Account--State Appropriation by $380,000.

Adjust the total appropriation accordingly.

On page 104, line 26, after "(2)" strike "$120,000" and insert "$500,000"

Senator Billig spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Billig, Baumgartner and McCoy on page 103, line 31 to Substitute Senate Bill No. 5077.

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

MOTION

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

On page 104, line 17, after "$2,291,000" insert the following:

"Carbon Pollution Reduction Account--State Appropriation ... $2,816,000".

Adjust the total appropriation accordingly.

On page 106, line 27, after "subsection." Insert the following:

"(...) $2,816,000 of the carbon pollution reduction account--state appropriation is provided solely for the implementation of Senate Bill No. 5283 (carbon pollution market program). The legislature finds that climate change is real and that human activity significantly contributes to climate change. Climate change is harming the state and without substantial reductions in greenhouse gas emissions the harm to the state will be greatly increased. These include impacts to the state's forests, agriculture, snowpack, coasts, infrastructure, fisheries and shellfish industry, and other natural resources that are vital to the state's economy, communities, and environment. The 2015 legislature intends to enact comprehensive measures that will ensure the state meets the legislatively adopted statewide emission reductions. If Senate Bill No. 5283 (carbon pollution market program) is not enacted by June 30, 2015, the amounts provided in this subsection shall lapse."

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

Senator McCoy spoke in favor of adoption of the amendment.

Senator McCoy demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator McCoy on page 104, line 17 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator McCoy on page 104, line 17 to Substitute Senate Bill No. 5077and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

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

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

MOTION

Senator Chase moved that the following amendment by Senator Chase be adopted:

On page 106, line 30, increase the General Fund--State (FY 2016) appropriation by $3,750,000.

On page 106, line 31, increase the General Fund--State (FY 2017) appropriation by $3,750,000.

Adjust the total appropriation accordingly.

Senator Chase spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Chase on page 106, line 30 to Substitute Senate Bill No. 5077.

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

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Ranker be adopted:

On page 112, line 8, increase General Fund--State (FY 2016) appropriation by $2,357,000.

On page 112, line 9, increase General Fund--State (FY 2017) appropriation by $2,288,000.

Adjust the total appropriation accordingly.

On page 114, after line 37, insert the following:

"(...) $2,357,000 of the general fund--state appropriation for fiscal year 2016 and $2,288,000 of the general fund--state appropriation for fiscal year 2017 are provided solely for the collection and analysis of LiDAR (a high-resolution remote sensing technology) data to assist in understanding geologic hazards."

Senator Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Ranker on page 112, line 8 to Substitute Senate Bill No. 5077.

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

MOTION

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

On page 120, line 5, increase the General Fund--State (FY 2016) appropriation by $250,000.

On page 120, line 6, increase the General Fund--State (FY 2017) appropriation by $250,000.

Adjust the total appropriation accordingly.

On page 133, after line 16, insert the following:

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"(42) $250,000 of the general fund—state appropriation for fiscal year 2016 and $250,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for one-time grants for elementary and middle school career and technical education programs. Grant funds may be used to purchase or improve curriculum, upgrade technology and equipment to meet industry standards, and for other purposes intended to initiate a new program or improve the rigor and quality of a high-demand program."

Senator McAuliffe spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe and others on page 120, line 5 to Substitute Senate Bill No. 5077.

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

MOTION

Senator Frockt moved that the following amendment by Senator Frockt be adopted:

On page 120, line 5, increase the General Fund--State (FY 2016) appropriation by $354,000.

On page 120, line 6, increase the General Fund--State (FY 2017) appropriation by $354,000.

Adjust the total appropriation accordingly.

On page 128, line 37, after "(29)", strike "$1,000,000", and insert "$1,354,000".

On page 128, line 38, after "and", strike "$1,000,000", and insert "$1,354,000".

Senator Frockt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Frockt on page 120, line 5 to Substitute Senate Bill No. 5077.

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

MOTION

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

On page 120, line 5, increase the General Fund--State (FY 2016) appropriation by $2,532,000.

On page 120, line 6, increase the General Fund--State (FY 2017) appropriation by $2,531,000.

Adjust the total appropriation accordingly.

On page 279, after line 23, insert the following:

" **Sec. 964.** RCW 28A.600.490 and 2013 2nd sp.s. c 18 s 301 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall convene a discipline task force to develop standard definitions for causes of student disciplinary actions taken at the discretion of the school district. The task force must also develop data collection standards for disciplinary actions that are discretionary and for disciplinary actions that result in the exclusion of a student from school. The data collection standards must include data about education services provided while a student is subject to a disciplinary action, the status of petitions for readmission to the school district when a student has been excluded from school, credit retrieval during a period of exclusion, and school dropout as a result of disciplinary action.

(2) The discipline task force shall include representatives from the K-12 data governance group, the educational opportunity gap oversight and accountability committee, the state ethnic commissions, the governor's office of Indian affairs, the office of the education ((~~ombudsman~~ school districts, tribal representatives, and other education and advocacy organizations.

(3) The office of the superintendent of public instruction and the K-12 data governance group shall revise the statewide student data system to incorporate the student discipline data collection standards recommended by the discipline task force, and begin collecting data based on the revised standards in the 2015-16 school year.

NEW SECTION. **Sec. 965.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) School districts shall annually disseminate discipline policies and procedures to students, families, and the community.

(2) School districts shall use disaggregated data collected pursuant to RCW 28A.300.042 to monitor the impact of the school district's discipline policies and procedures.

(3) School districts, in consultation with school district staff, students, families, and the community, shall periodically review and update their discipline rules, policies, and procedures.

NEW SECTION. **Sec. 966.** A new section is added to chapter 28A.345 RCW to read as follows:

(1) The Washington state school directors' association shall create model school district discipline policies and procedures and post these models publicly by December 1, 2015. In developing these model policies and procedures, the association shall request technical assistance and guidance from the equity and civil rights office within the office of the superintendent of public instruction and the Washington state human rights commission. The model policies and procedures shall be updated as necessary.

(2) School districts shall adopt discipline policies and procedures consistent with the model policy by April 1, 2016.

NEW SECTION. **Sec. 967.** A new section is added to chapter 28A.415 RCW to read as follows:

(1) The office of the superintendent of public instruction shall develop a training program to support the implementation of discipline policies and procedures under chapter 28A.600 RCW.

(2) School districts are strongly encouraged to provide the trainings to all school and district staff interacting with students, including instructional staff and noninstructional staff, as well as within a reasonable time following any substantive change to school discipline policies or procedures.

(3) To the maximum extent feasible, the trainings must incorporate or adapt existing online training or curriculum, including securing materials or curriculum under contract or purchase agreements within available funds.

(4) The trainings must be developed in modules that allow:

(a) Access to material over a reasonable number of training sessions;

(b) Delivery in person or online; and

(c) Use in a self-directed manner.

Sec. 968. RCW 28A.600.015 and 2013 2nd sp.s. c 18 s 302 are each amended to read as follows:

(1) The superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural due process guarantees of pupils in the common schools. Such rules shall authorize a school district to use informal due process procedures in connection with the short-term suspension of students to the extent constitutionally permissible: PROVIDED, That the superintendent of public instruction deems the interest of students to be adequately protected. When a student suspension or expulsion is appealed, the rules shall authorize a school district to impose the suspension or expulsion temporarily after an initial hearing for no more than ten consecutive school days or until the

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appeal is decided, whichever is earlier. Any days that the student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student suspension or expulsion and shall not limit or extend the term of the student suspension or expulsion. An expulsion or suspension of a student may not be for an indefinite period of time.

(2) Short-term suspension procedures may be used for suspensions of students up to and including, ten consecutive school days.

(3) Emergency expulsions must end or be converted to another form of corrective action within ten school days from the date of the emergency removal from school. Notice and due process rights must be provided when an emergency expulsion is converted to another form of corrective action.

(4) School districts may not impose long-term suspension or expulsion as a form of discretionary discipline.

(5) As used in this chapter, "discretionary discipline" means a disciplinary action taken by a school district for student behavior that violates rules of student conduct adopted by a school district board of directors under RCW 28A.600.010 and 28A.600.015, but does not constitute action taken in response to any of the following:

(a) A violation of RCW 28A.600.420;

(b) An offense in RCW 13.04.155; or

(c) Two or more violations of RCW 9A.46.120, 9.41.280, 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period.

(6) Except as provided in RCW 28A.600.420, school districts are not required to impose long-term suspension or expulsion for behavior that constitutes a violation or offense listed under subsection (5)(a) through (c) of this section and should first consider alternative actions.

(7) School districts may not suspend the provision of educational services to a student as a disciplinary action. A student may be excluded from a particular classroom or instructional or activity area for the period of suspension or expulsion, but the school district must provide an opportunity for a student to receive educational services during a period of suspension or expulsion.

Sec. 969. RCW 28A.600.020 and 2013 2nd sp.s. c 18 s 303 are each amended to read as follows:

(1) The rules adopted pursuant to RCW 28A.600.010 shall be interpreted to ensure that the optimum learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere.

(2) Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first. Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action. In no event without the consent of the teacher may an excluded student return to the class during the balance of that class or activity period or up to the following two days, or until the principal or his or her designee and the teacher have conferred.

(3) In order to preserve a beneficial learning environment for all students and to maintain good order and discipline in each classroom, every school district board of directors shall provide that written procedures are developed for administering discipline at each school within the district. Such procedures shall be developed with the participation of parents and the community, and shall provide that the teacher, principal or designee, and other authorities designated by the board of directors, make every reasonable attempt to involve the parent or guardian and the student in the resolution of student discipline problems. Such procedures shall provide that students may be excluded from their individual classes or activities for periods of time in excess of that provided in subsection (2) of this section if such students have repeatedly disrupted the learning of other students. The procedures must be consistent with the rules of the superintendent of public instruction and must provide for early involvement of parents in attempts to improve the student's behavior.

(4) The procedures shall assure, pursuant to RCW 28A.400.110, that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school as well as within each classroom.

(5)(a) A principal shall consider imposing long-term suspension or expulsion as a sanction when deciding the appropriate disciplinary action for a student who, after July 27, 1997:

(i) Engages in two or more violations within a three-year period of RCW 9A.46.120, ((~~28A.320.135,~~)) 28A.600.455, 28A.600.460, 28A.635.020, 28A.600.020, 28A.635.060, or 9.41.280((~~, or 28A.320.140~~)); or

(ii) Engages in one or more of the offenses listed in RCW 13.04.155.

(b) The principal shall communicate the disciplinary action taken by the principal to the school personnel who referred the student to the principal for disciplinary action.

(6) Any corrective action involving a suspension or expulsion from school for more than ten days must have an end date of not more than ((~~one calendar year~~)) the length of an academic term, as defined by the school board, from the time of corrective action. Districts shall make reasonable efforts to assist students and parents in returning to an educational setting prior to and no later than the end date of the corrective action. Where warranted based on public health or safety, a school may petition the superintendent of the school district, pursuant to policies and procedures adopted by the office of the superintendent of public instruction, for authorization to exceed the ((~~one calendar year~~)) academic term limitation provided in this subsection. The superintendent of public instruction shall adopt rules outlining the limited circumstances in which a school may petition to exceed the ((~~one calendar year~~)) academic term limitation, including safeguards to ensure that the school district has made every effort to plan for the student's return to school. School districts shall report to the office of the superintendent of public instruction the number of petitions made to the school board and the number of petitions granted on an annual basis.

(7) Nothing in this section prevents a public school district, educational service district, the Washington state center for childhood deafness and hearing loss, or the state school for the blind if it has suspended or expelled a student from the student's regular school setting from providing educational services to the student in an alternative setting or modifying the suspension or expulsion on a case-by-case basis. An alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline. Example alternative settings include alternative high schools, one-on-one tutoring, and online learning.

Sec. 970. RCW 28A.600.022 and 2013 2nd sp.s. c 18 s 308 are each amended to read as follows:

(1) School districts should make efforts to have suspended or expelled students return to an educational setting as soon as possible. School districts ((~~should~~)) must convene a meeting with

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the student and the student's parents or guardians within twenty days of the student's long-term suspension or expulsion, but no later than five days before the student's enrollment, to discuss a plan to reengage the student in a school program. Families must have access to, provide meaningful input on, and have the opportunity to participate in a culturally sensitive and culturally responsive reengagement plan.

(2) In developing a reengagement plan, school districts should consider shortening the length of time that the student is suspended or expelled, other forms of corrective action, and supportive interventions that aid in the student's academic success and keep the student engaged and on track to graduate. School districts must create a reengagement plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion. The plan should aid the student in taking the necessary steps to remedy the situation that led to the student's suspension or expulsion.

(3) Any reengagement meetings conducted by the school district involving the suspended or expelled student and his or her parents or guardians are not intended to replace a petition for readmission.

Sec. 971. RCW 43.41.400 and 2012 c 229 s 585 are each amended to read as follows:

(1) An education data center shall be established in the office of financial management. The education data center shall jointly, with the legislative evaluation and accountability program committee, conduct collaborative analyses of early learning, K-12, and higher education programs and education issues across the P-20 system, which includes the department of early learning, the superintendent of public instruction, the professional educator standards board, the state board of education, the state board for community and technical colleges, the workforce training and education coordinating board, the student achievement council, public and private nonprofit four-year institutions of higher education, and the employment security department. The education data center shall conduct collaborative analyses under this section with the legislative evaluation and accountability program committee and provide data electronically to the legislative evaluation and accountability program committee, to the extent permitted by state and federal confidentiality requirements. The education data center shall be considered an authorized representative of the state educational agencies in this section under applicable federal and state statutes for purposes of accessing and compiling student record data for research purposes.

(2) The education data center shall:

(a) In consultation with the legislative evaluation and accountability program committee and the agencies and organizations participating in the education data center, identify the critical research and policy questions that are intended to be addressed by the education data center and the data needed to address the questions;

(b) Coordinate with other state education agencies to compile and analyze education data, including data on student demographics that is disaggregated by distinct ethnic categories within racial subgroups, and complete P-20 research projects;

(c) Collaborate with the legislative evaluation and accountability program committee and the education and fiscal committees of the legislature in identifying the data to be compiled and analyzed to ensure that legislative interests are served;

(d) Annually provide to the K-12 data governance group a list of data elements and data quality improvements that are necessary to answer the research and policy questions identified by the education data center and have been identified by the legislative committees in (c) of this subsection. Within three months of receiving the list, the K-12 data governance group shall develop and transmit to the education data center a feasibility analysis of obtaining or improving the data, including the steps required, estimated time frame, and the financial and other resources that would be required. Based on the analysis, the education data center shall submit, if necessary, a recommendation to the legislature regarding any statutory changes or resources that would be needed to collect or improve the data;

(e) Monitor and evaluate the education data collection systems of the organizations and agencies represented in the education data center ensuring that data systems are flexible, able to adapt to evolving needs for information, and to the extent feasible and necessary, include data that are needed to conduct the analyses and provide answers to the research and policy questions identified in (a) of this subsection;

(f) Track enrollment and outcomes through the public centralized higher education enrollment system;

(g) Assist other state educational agencies' collaborative efforts to develop a long-range enrollment plan for higher education including estimates to meet demographic and workforce needs;

(h) Provide research that focuses on student transitions within and among the early learning, K-12, and higher education sectors in the P-20 system; ((~~and~~))

(i) Prepare a regular report on the educational and workforce outcomes of youth in the juvenile justice system, using data disaggregated by age, and by ethnic categories and racial subgroups in accordance with RCW 28A.300.042; and

(j) Make recommendations to the legislature as necessary to help ensure the goals and objectives of this section and RCW 28A.655.210 and 28A.300.507 are met.

(3) The department of early learning, superintendent of public instruction, professional educator standards board, state board of education, state board for community and technical colleges, workforce training and education coordinating board, student achievement council, public four-year institutions of higher education, department of social and health services and employment security department shall work with the education data center to develop data-sharing and research agreements, consistent with applicable security and confidentiality requirements, to facilitate the work of the center. The education data center shall also develop data-sharing and research agreements with the administrative office of the courts to conduct research on educational and workforce outcomes using data maintained under RCW 13.50.010(12) related to juveniles. Private, nonprofit institutions of higher education that provide programs of education beyond the high school level leading at least to the baccalaureate degree and are accredited by the Northwest association of schools and colleges or their peer accreditation bodies may also develop data-sharing and research agreements with the education data center, consistent with applicable security and confidentiality requirements. The education data center shall make data from collaborative analyses available to the education agencies and institutions that contribute data to the education data center to the extent allowed by federal and state security and confidentiality requirements applicable to the data of each contributing agency or institution.

Sec. 972. RCW 13.50.010 and 2014 c 175 s 2 and 2014 c 117 s 5 are each reenacted and amended to read as follows:

(1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney,

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defense attorney, detention center, attorney general, the legislative children's oversight committee, the office of the family and children's ombuds, the department of social and health services and its contracting agencies, schools; persons or public or private agencies having children committed to their custody; and any placement oversight committee created under RCW 72.05.415;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case;

(d) "Social file" means the juvenile court file containing the records and reports of the probation counselor.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) The court shall release to the caseload forecast council the records needed for its research and data-gathering functions. Access to caseload forecast data may be permitted by the council for research purposes only if the anonymity of all persons mentioned in the records or information will be preserved.

(10) Juvenile detention facilities shall release records to the caseload forecast council upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

(11) Requirements in this chapter relating to the court's authority to compel disclosure shall not apply to the legislative children's oversight committee or the office of the family and children's ombuds.

(12) For the purpose of research only, the administrative office of the courts shall maintain an electronic research copy of all records in the judicial information system related to juveniles. Access to the research copy is restricted to the ((~~Washington state center for court research~~)) administrative office of the courts for research purposes as authorized by the supreme court or by state statute. The ((~~Washington state center for court research~~)) administrative office of the courts shall maintain the confidentiality of all confidential records and shall preserve the anonymity of all persons identified in the research copy. Data contained in the research copy may be shared with other governmental agencies as authorized by state statute, pursuant to data-sharing and research agreements, and consistent with applicable security and confidentiality requirements. The research copy may not be subject to any records retention schedule and must include records destroyed or removed from the judicial information system pursuant to RCW 13.50.270 and 13.50.100(3).

(13) The court shall release to the Washington state office of public defense records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.70.020. Access to the records used as a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of public defense. The Washington state office of public defense shall maintain the confidentiality of all confidential information included in the records."

Senator Hasegawa spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa and others on page 120, line 5 to Substitute Senate Bill No. 5077.

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

MOTION

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

On page 120, line 5, increase the General Fund--State (FY 2016) appropriation by $211,000.

Adjust the total appropriation accordingly.

On page 279, after line 23, insert the following:

" NEW SECTION. **Sec. 964.** A new section is added to chapter 28A.345 RCW to read as follows:

The Washington state school directors' association, in consultation with the office of the superintendent of public instruction, the professional educator standards board, the steering committee established in RCW 28A.405.100, and the educational opportunity gap oversight and accountability committee, must develop a plan for the creation and delivery of cultural competency training for school board directors and

superintendents. The training program must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum. The content of the training must be aligned with the standards for cultural competence developed by the professional educator standards board under RCW 28A.410.270.

Sec. 965. RCW 28A.405.106 and 2012 c 35 s 5 are each amended to read as follows:

(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction must develop and make available a professional development program to support the implementation of the evaluation systems required by RCW 28A.405.100. The program components may be organized into professional development modules for principals, administrators, and teachers. The professional development program shall include a comprehensive online training package.

(2) The training program must include, but not be limited to, the following topics:

(a) Introduction of the evaluation criteria for teachers and principals and the four-level rating system;

(b) Orientation to and use of instructional frameworks;

(c) Orientation to and use of the leadership frameworks;

(d) Best practices in developing and using data in the evaluation systems, including multiple measures, student growth data, classroom observations, and other measures and evidence;

(e) Strategies for achieving maximum rater agreement;

(f) Evaluator feedback protocols in the evaluation systems;

(g) Examples of high quality teaching and leadership; and

(h) Methods to link the evaluation process to ongoing educator professional development.

(3) The training program must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum. The content of the training must be aligned with the standards for cultural competence developed by the professional educator standards board under RCW 28A.410.270. The office of the superintendent of public instruction, in consultation with the professional educator standards board, the steering committee established in RCW 28A.405.100, and the educational opportunity gap oversight and accountability committee, must integrate the content for cultural competence into the overall training for principals, administrators, and teachers to support the revised evaluation systems.

(4) To the maximum extent feasible, the professional development program must incorporate or adapt existing online training or curriculum, including securing materials or curriculum under contract or purchase agreements within available funds. Multiple modes of instruction should be incorporated including videos of classroom teaching, participatory exercises, and other engaging combinations of online audio, video, and print presentation.

((~~(4)~~)) (5) The professional development program must be developed in modules that allow:

(a) Access to material over a reasonable number of training sessions;

(b) Delivery in person or online; and

(c) Use in a self-directed manner.

((~~(5)~~)) (6) The office of the superintendent of public instruction must maintain a web site that includes the online professional development materials along with sample evaluation forms and templates, links to relevant research on evaluation and on high quality teaching and leadership, samples of contract and collective bargaining language on key topics, examples of multiple measures of teacher and principal performance, suggestions for data to measure student growth, and other tools that will assist school districts in implementing the revised evaluation systems.

((~~(6)~~)) (7) The office of the superintendent of public instruction must identify the number of in-service training hours associated with each professional development module and develop a way for users to document their completion of the training. Documented completion of the training under this section is considered approved in-service training for the purposes of RCW 28A.415.020.

((~~(7)~~)) (8) The office of the superintendent of public instruction shall periodically update the modules to reflect new topics and research on performance evaluation so that the training serves as an ongoing source of continuing education and professional development.

((~~(8)~~)) (9) The office of the superintendent of public instruction shall work with the educational service districts to provide clearinghouse services for the identification and publication of professional development opportunities for teachers and principals that align with performance evaluation criteria.

Sec. 966. RCW 28A.405.120 and 2012 c 35 s 2 are each amended to read as follows:

(1) School districts shall require each administrator, each principal, or other supervisory personnel who has responsibility for evaluating classroom teachers or principals to have training in evaluation procedures.

(2) Before school district implementation of the revised evaluation systems required under RCW 28A.405.100, principals and administrators who have evaluation responsibilities must engage in professional development designed to implement the revised systems and maximize rater agreement. The professional development to support the revised evaluation systems must also include foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition.

NEW SECTION. **Sec. 967.** A new section is added to chapter 28A.415 RCW to read as follows:

(1) The office of the superintendent of public instruction, in collaboration with the educational opportunity gap oversight and accountability committee, the professional educator standards board, colleges of education, and representatives from diverse communities and community-based organizations, must develop a content outline for professional development and training in cultural competence for school staff.

(2) The content of the cultural competence professional development and training must be aligned with the standards developed by the professional educator standards board under RCW 28A.410.270. The training program must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum.

(3) The cultural competence professional development and training must contain components that are appropriate for classified school staff and district administrators as well as certificated instructional staff and principals at the building level. The professional development and training must also contain components suitable for delivery by individuals from the local community or community-based organizations with appropriate expertise.

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(4) The legislature encourages educational service districts and school districts to use the cultural competence professional development and training developed under this section and provide opportunities for all school and school district staff to gain knowledge and skills in cultural competence, including in partnership with their local communities.

NEW SECTION. **Sec. 968.** A new section is added to chapter 28A.657 RCW to read as follows:

Required action districts as provided in RCW 28A.657.030, and districts with schools that receive the federal school improvement grant under the American recovery and reinvestment act of 2009, and districts with schools identified by the superintendent of public instruction as priority or focus are strongly encouraged to provide the cultural competence professional development and training developed under RCW 28A.405.106, 28A.405.120, and section 204 of this act for classified, certificated instructional, and administrative staff of the school. The professional development and training may be delivered by an educational service district, through district in-service, or by another qualified provider, including in partnership with the local community.

NEW SECTION. **Sec. 969.** (1) The professional educator standards board and the office of the superintendent of public instruction shall convene a work group to revise and update the model framework and curriculum, as well as the program of study, for high school career and technical education courses related to careers in education.

(2) The revised careers in education courses must incorporate:

(a) Standards for cultural competence developed by the professional educator standards board under RCW 28A.410.270;

(b) The most recent competency standards established by the professional educator standards board and new research on best practices for educator preparation and development; and

(c) Curriculum and activities used by the recruiting Washington teachers program under RCW 28A.415.370.

(3) The revisions must be completed before the 2016-17 school year.

(4) This section expires September 1, 2017.

Sec. 970. RCW 28A.300.507 and 2009 c 548 s 203 are each amended to read as follows:

(1) A K-12 data governance group shall be established within the office of the superintendent of public instruction to assist in the design and implementation of a K-12 education data improvement system for financial, student, and educator data. It is the intent that the data system reporting specifically serve requirements for teachers, parents, superintendents, school boards, the office of the superintendent of public instruction, the legislature, and the public.

(2) The K-12 data governance group shall include representatives of the education data center, the office of the superintendent of public instruction, the legislative evaluation and accountability program committee, the professional educator standards board, the state board of education, and school district staff, including information technology staff. Additional entities with expertise in education data may be included in the K-12 data governance group.

(3) The K-12 data governance group shall:

(a) Identify the critical research and policy questions that need to be addressed by the K-12 education data improvement system;

(b) Identify reports and other information that should be made available on the internet in addition to the reports identified in subsection (5) of this section;

(c) Create a comprehensive needs requirement document detailing the specific information and technical capacity needed by school districts and the state to meet the legislature's expectations for a comprehensive K-12 education data improvement system as described under RCW 28A.655.210;

(d) Conduct a gap analysis of current and planned information compared to the needs requirement document, including an analysis of the strengths and limitations of an education data system and programs currently used by school districts and the state, and specifically the gap analysis must look at the extent to which the existing data can be transformed into canonical form and where existing software can be used to meet the needs requirement document;

(e) Focus on financial and cost data necessary to support the new K-12 financial models and funding formulas, including any necessary changes to school district budgeting and accounting, and on assuring the capacity to link data across financial, student, and educator systems; and

(f) Define the operating rules and governance structure for K-12 data collections, ensuring that data systems are flexible and able to adapt to evolving needs for information, within an objective and orderly data governance process for determining when changes are needed and how to implement them. Strong consideration must be made to the current practice and cost of migration to new requirements. The operating rules should delineate the coordination, delegation, and escalation authority for data collection issues, business rules, and performance goals for each K-12 data collection system, including:

(i) Defining and maintaining standards for privacy and confidentiality;

(ii) Setting data collection priorities;

(iii) Defining and updating a standard data dictionary;

(iv) Ensuring data compliance with the data dictionary;

(v) Ensuring data accuracy; and

(vi) Establishing minimum standards for school, student, financial, and teacher data systems. Data elements may be specified "to the extent feasible" or "to the extent available" to collect more and better data sets from districts with more flexible software. Nothing in RCW 43.41.400, this section, or RCW 28A.655.210 should be construed to require that a data dictionary or reporting should be hobbled to the lowest common set. The work of the K-12 data governance group must specify which data are desirable. Districts that can meet these requirements shall report the desirable data. Funding from the legislature must establish which subset data are absolutely required.

(4)(a) The K-12 data governance group shall provide updates on its work as requested by the education data center and the legislative evaluation and accountability program committee.

(b) The work of the K-12 data governance group shall be periodically reviewed and monitored by the educational data center and the legislative evaluation and accountability program committee.

(5) To the extent data is available, the office of the superintendent of public instruction shall make the following minimum reports available on the internet. The reports must either be run on demand against current data, or, if a static report, must have been run against the most recent data:

(a) The percentage of data compliance and data accuracy by school district;

(b) The magnitude of spending per student, by student estimated by the following algorithm and reported as the detailed summation of the following components:

(i) An approximate, prorated fraction of each teacher or human resource element that directly serves the student. Each human resource element must be listed or accessible through online tunneling in the report;

(ii) An approximate, prorated fraction of classroom or building costs used by the student;

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(iii) An approximate, prorated fraction of transportation costs used by the student; and

(iv) An approximate, prorated fraction of all other resources within the district. District-wide components should be disaggregated to the extent that it is sensible and economical;

(c) The cost of K-12 basic education, per student, by student, by school district, estimated by the algorithm in (b) of this subsection, and reported in the same manner as required in (b) of this subsection;

(d) The cost of K-12 special education services per student, by student receiving those services, by school district, estimated by the algorithm in (b) of this subsection, and reported in the same manner as required in (b) of this subsection;

(e) Improvement on the statewide assessments computed as both a percentage change and absolute change on a scale score metric by district, by school, and by teacher that can also be filtered by a student's length of full-time enrollment within the school district;

(f) Number of K-12 students per classroom teacher on a per teacher basis;

(g) Number of K-12 classroom teachers per student on a per student basis;

(h) Percentage of a classroom teacher per student on a per student basis; ((~~and~~))

(i) Percentage of classroom teachers per school district and per school disaggregated as described in RCW 28A.300.042(1) for student-level data;

(j) Average length of service of classroom teachers per school district and per school disaggregated as described in RCW 28A.300.042(1) for student-level data; and

(k) The cost of K-12 education per student by school district sorted by federal, state, and local dollars.

(6) The superintendent of public instruction shall submit a preliminary report to the legislature by November 15, 2009, including the analyses by the K-12 data governance group under subsection (3) of this section and preliminary options for addressing identified gaps. A final report, including a proposed phase-in plan and preliminary cost estimates for implementation of a comprehensive data improvement system for financial, student, and educator data shall be submitted to the legislature by September 1, 2010.

(7) All reports and data referenced in this section and RCW 43.41.400 and 28A.655.210 shall be made available in a manner consistent with the technical requirements of the legislative evaluation and accountability program committee and the education data center so that selected data can be provided to the legislature, governor, school districts, and the public.

(8) Reports shall contain data to the extent it is available. All reports must include documentation of which data are not available or are estimated. Reports must not be suppressed because of poor data accuracy or completeness. Reports may be accompanied with documentation to inform the reader of why some data are missing or inaccurate or estimated.

Senator McAuliffe spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa and others on page 120, line 5 to Substitute Senate Bill No. 5077.

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

MOTION

Senator Jayapal moved that the following amendment by Senator Hasegawa and others be adopted:

On page 120, line 5, increase the General Fund--State (FY 2016) appropriation by $349,000.

Adjust the total appropriation accordingly.

On page 279, after line 23, insert the following:

"Sec. 964. RCW 28A.660.045 and 2007 c 396 s 7 are each amended to read as follows:

(1) The educator retooling (~~to teach mathematics and science~~)) conditional scholarship program is created. Participation is limited to current K-12 teachers and individuals having an elementary education certificate but who are not employed in positions requiring an elementary education certificate. It is anticipated that candidates enrolled in this program will complete the requirements for a mathematics ((~~or~~)), science, special education, bilingual education, or English language learner endorsement((~~, or both,~~)) in two years or less.

(2) Entry requirements for candidates include:

(a) Current K-12 teachers shall pursue a middle level mathematics or science, ((~~or~~)) secondary mathematics or science, special education, bilingual education, or English language learner endorsement.

(b) Individuals having an elementary education certificate but who are not employed in positions requiring an elementary education certificate shall pursue an endorsement only in middle level mathematics or science ((~~only~~)), special education, bilingual education, or English language learner.

Sec. 965. RCW 28A.660.050 and 2012 c 229 s 507 are each amended to read as follows:

Subject to the availability of amounts appropriated for these purposes, the conditional scholarship programs in this chapter are created under the following guidelines:

(1) The programs shall be administered by the student achievement council. In administering the programs, the council has the following powers and duties:

(a) To adopt necessary rules and develop guidelines to administer the programs;

(b) To collect and manage repayments from participants who do not meet their service obligations; and

(c) To accept grants and donations from public and private sources for the programs.

(2) Requirements for participation in the conditional scholarship programs are as provided in this subsection (2).

(a) The alternative route conditional scholarship program is limited to interns of professional educator standards board-approved alternative routes to teaching programs under RCW 28A.660.040. For fiscal year 2011, priority must be given to fiscal year 2010 participants in the alternative route partnership program. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment in alternative certification routes through a professional educator standards board-approved program;

(ii) Continue to make satisfactory progress toward completion of the alternative route certification program and receipt of a residency teaching certificate; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed eight thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route certification program in which the recipient is enrolled. The council may adjust the annual award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.

(b) The pipeline for paraeducators conditional scholarship program is limited to qualified paraeducators as provided by RCW 28A.660.042. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment at a community and technical college for no more than two years and attain an associate of arts degree;

(ii) Continue to make satisfactory progress toward completion of an associate of arts degree. This progress requirement is a condition for eligibility into a route one program of the alternative routes to teacher certification program for a mathematics, special education, or English as a second language endorsement; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed four thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route certification program in which the recipient is enrolled. The student achievement council may adjust the annual award by the average rate of tuition and fee increases at the state community and technical colleges.

(c) The educator retooling ((~~to teach mathematics and science~~)) conditional scholarship program is limited to current K-12 teachers. In order to receive conditional scholarship awards:

(i) Individuals currently employed as teachers shall pursue a middle level mathematics or science, ((~~or~~)) secondary mathematics or science, special education, bilingual education, or English language learner endorsement; or

(ii) Individuals who are certificated with an elementary education endorsement shall pursue an endorsement in middle level mathematics or science, ((~~or both~~)) special education, bilingual education, or English language learner; and

(iii) Individuals shall use one of the pathways to endorsement processes to receive ((~~a mathematics or science~~)) the endorsement, ((~~or both,~~)) which shall include passing ((~~a mathematics or science~~)) the associated endorsement test((~~,~~)) or ((~~both~~)) tests, plus observation and completing applicable coursework to attain the proper endorsement; and

(iv) Individuals shall receive no more than the annual amount of the scholarship, not to exceed three thousand dollars, for the cost of tuition, test fees, and educational expenses, including books, supplies, and transportation for the endorsement pathway being pursued.

(3) The Washington professional educator standards board shall select individuals to receive conditional scholarships. In selecting recipients, preference shall be given to eligible veterans or national guard members. In awarding conditional scholarships to support additional bilingual education or English language learner endorsements, the board shall also give preference to teachers assigned to schools required under state or federal accountability measures to implement a plan for improvement, and to teachers assigned to schools whose enrollment of English language learner students has increased an average of more than five percent per year over the previous three years.

(4) For the purpose of this chapter, a conditional scholarship is a loan that is forgiven in whole or in part in exchange for service as a certificated teacher employed in a Washington state K-12 public school. The state shall forgive one year of loan obligation for every two years a recipient teaches in a public school. Recipients who fail to continue a course of study leading to residency teacher certification or cease to teach in a public school in the state of Washington in their endorsement area are required to repay the remaining loan principal with interest.

(5) Recipients who fail to fulfill the required teaching obligation are required to repay the remaining loan principal with interest and any other applicable fees. The student achievement council shall adopt rules to define the terms for repayment, including applicable interest rates, fees, and deferments.

(6) The student achievement council may deposit all appropriations, collections, and any other funds received for the program in this chapter in the future teachers conditional scholarship account authorized in RCW 28B.102.080.

Sec. 966. RCW 28A.180.040 and 2013 2nd sp.s. c 9 s 4 are each amended to read as follows:

(1) Every school district board of directors shall:

(a) Make available to each eligible pupil transitional bilingual instruction to achieve competency in English, in accord with rules of the superintendent of public instruction;

(b) Wherever feasible, ensure that communications to parents emanating from the schools shall be appropriately bilingual for those parents of pupils in the bilingual instruction program;

(c) Determine, by administration of an English test approved by the superintendent of public instruction the number of eligible pupils enrolled in the school district at the beginning of a school year and thereafter during the year as necessary in individual cases;

(d) Ensure that a student who is a child of a military family in transition and who has been assessed as in need of, or enrolled in, a bilingual instruction program, the receiving school shall initially honor placement of the student into a like program.

(i) The receiving school shall determine whether the district's program is a like program when compared to the sending school's program; and

(ii) The receiving school may conduct subsequent assessments pursuant to RCW 28A.180.090 to determine appropriate placement and continued enrollment in the program;

(e) Before the conclusion of each school year, measure each eligible pupil's improvement in learning the English language by means of a test approved by the superintendent of public instruction;

(f) Provide in-service training for teachers, counselors, and other staff, who are involved in the district's transitional bilingual program. Such training shall include appropriate instructional strategies for children of culturally different backgrounds, use of curriculum materials, and program models; and

(g) Make available a program of instructional support for up to two years immediately after pupils exit from the program, for exited pupils who need assistance in reaching grade-level performance in academic subjects even though they have achieved English proficiency for purposes of the transitional bilingual instructional program.

(2) Beginning in the 2019-20 school year, all classroom teachers assigned using funds for the transitional bilingual instruction program to provide supplemental instruction for eligible pupils must hold an endorsement in bilingual education or English language learner, or both.

(3) The definitions in Article II of RCW 28A.705.010 apply to subsection (1)(d) of this section.

Sec. 967. RCW 28A.180.090 and 2001 1st sp.s. c 6 s 2 are each amended to read as follows:

The superintendent of public instruction shall develop an evaluation system designed to measure increases in the English and academic proficiency of eligible pupils. When developing the system, the superintendent shall:

(1) Require school districts to assess potentially eligible pupils within ten days of registration using an English proficiency assessment or assessments as specified by the superintendent of public instruction. Results of these assessments shall be made available to both the superintendent of public instruction and the school district;

(2) Require school districts to annually assess all eligible pupils at the end of the school year using an English proficiency

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assessment or assessments as specified by the superintendent of public instruction. Results of these assessments shall be made available to both the superintendent of public instruction and the school district;

(3) Develop a system to evaluate increases in the English and academic proficiency of students who are, or were, eligible pupils. This evaluation shall include students when they are in the program and after they exit the program until they finish their K-12 career or transfer from the school district. The purpose of the evaluation system is to inform schools, school districts, parents, and the state of the effectiveness of the transitional bilingual programs in school and school districts in teaching these students English and other content areas, such as mathematics and writing; and

(4) ((~~Report to the education and fiscal committees of the legislature by November 1, 2002, regarding the development of the systems described in this section and a timeline for the full implementation of those systems. The legislature shall approve and provide funding for the evaluation system in subsection (3) of this section before any implementation of the system developed under subsection (3) of this section may occur.~~)) Provide school districts with technical assistance and support in selecting research-based program models, instructional materials, and professional development for program staff, including disseminating information about best practices and innovative programs. The information must include research about the differences between conversational language proficiency, academic language proficiency, and subject-specific language proficiency and the implications this research has on instructional practices and evaluation of program effectiveness.

NEW SECTION. **Sec. 968.** A new section is added to chapter 28A.657 RCW to read as follows:

At the beginning of each school year, the office of the superintendent of public instruction shall identify schools in the top five percent of schools with the highest percent growth during the previous two school years in enrollment of English language learner students as compared to previous enrollment trends. The office shall notify the identified schools, and the school districts in which the schools are located are strongly encouraged to provide the cultural competence professional development and training developed under RCW 28A.405.106, 28A.405.120, and section 204 of this act for classified, certificated instructional, and administrative staff of the schools. The professional development and training may be delivered by an educational service district, through district in-service, or by another qualified provider, including in partnership with the local community.

Sec. 969. RCW 28A.300.042 and 2013 2nd sp.s. c 18 s 307 are each amended to read as follows:

(1) Beginning with the 2017-18 school year, and using the phase-in provided in subsection (2) of this section, the superintendent of public instruction must collect and school districts must submit all student-level data using the United States department of education 2007 race and ethnicity reporting guidelines, including the subracial and subethnic categories within those guidelines, with the following modifications:

(a) Further disaggregation of the Black category to differentiate students of African origin and students native to the United States with African ancestors;

(b) Further disaggregation of countries of origin for Asian students;

(c) Further disaggregation of the White category to include subethnic categories for Eastern European nationalities that have significant populations in Washington; and

(d) For students who report as multiracial, collection of their racial and ethnic combination of categories.

(2) Beginning with the 2017-18 school year, school districts shall collect student-level data as provided in subsection (1) of this section for all newly enrolled students, including transfer students. When the students enroll in a different school within the district, school districts shall resurvey the newly enrolled students for whom subracial and subethnic categories were not previously collected. School districts may resurvey other students.

(3) All student data-related reports required of the superintendent of public instruction in this title must be disaggregated by at least the following subgroups of students: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low income, transitional bilingual, migrant, special education, and students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794).

((~~(2)~~)) (4) All student data-related reports ((~~required of~~)) prepared by the superintendent of public instruction regarding student suspensions and expulsions as required ((~~in RCW 28A.300.046~~)) under this title are subject to disaggregation by subgroups including:

(a) Gender;

(b) Foster care;

(c) Homeless, if known;

(d) School district;

(e) School;

(f) Grade level;

(g) Behavior infraction code, including:

(i) Bullying;

(ii) Tobacco;

(iii) Alcohol;

(iv) Illicit drug;

(v) Fighting without major injury;

(vi) Violence without major injury;

(vii) Violence with major injury;

(viii) Possession of a weapon; and

(ix) Other behavior resulting from a short-term or long-term suspension, expulsion, or interim alternative education setting intervention;

(h) Intervention applied, including:

(i) Short-term suspension;

(ii) Long-term suspension;

(iii) Emergency expulsion;

(iv) Expulsion;

(v) Interim alternative education settings;

(vi) No intervention applied; and

(vii) Other intervention applied that is not described in this subsection ((~~(2)~~)) (4)(h);

(i) Number of days a student is suspended or expelled, to be counted in half or full days; and

(j) Any other categories added at a future date by the data governance group.

((~~(3)~~)) (5) All student data-related reports required of the superintendent of public instruction regarding student suspensions and expulsions as required in RCW 28A.300.046 are subject to cross-tabulation at a minimum by the following:

(a) School and district;

(b) Race, low income, special education, transitional bilingual, migrant, foster care, homeless, students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794), and categories to be added in the future;

(c) Behavior infraction code; and

(d) Intervention applied.

(6) The K-12 data governance group shall develop the data protocols and guidance for school districts in the collection of data as required under this section, and the office of the

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superintendent of public instruction shall modify the statewide student data system as needed. The office of the superintendent of public instruction shall also incorporate training for school staff on best practices for collection of data on student race and ethnicity in other training or professional development related to data provided by the office.

NEW SECTION. **Sec. 970.** The office of the superintendent of public instruction shall convene a task force to review the United States department of education 2007 race and ethnicity reporting guidelines and develop race and ethnicity guidance for the state. The task force must include representatives from the educational opportunity gap oversight and accountability committee, the ethnic commissions, the governor's office of Indian affairs, and a diverse group of parents. The guidance must clarify for students and families why information about race and ethnicity is collected and how students and families can help school administrators properly identify them. The guidance must also describe the best practices for school administrators to use when identifying the race and ethnicity of students and families. The task force must use the United States census and the American community survey in the development of the guidance.

Sec. 971. RCW 28A.300.505 and 2007 c 401 s 5 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall develop standards for school data systems that focus on validation and verification of data entered into the systems to ensure accuracy and compatibility of data. The standards shall address but are not limited to the following topics:

(a) Date validation;

(b) Code validation, which includes gender, race or ethnicity, and other code elements;

(c) Decimal and integer validation; and

(d) Required field validation as defined by state and federal requirements.

(2) The superintendent of public instruction shall develop a reporting format and instructions for school districts to collect and submit data on student demographics that is disaggregated ((~~by distinct ethnic categories within racial subgroups so that analyses may be conducted on student achievement using the disaggregated data~~)) as required under RCW 28A.300.042.

NEW SECTION. **Sec. 972.** (1) To increase the visibility of the opportunity gap in schools with small subgroups of students and to hold schools accountable to individual student-level support, by July 1, 2016, the office of the superintendent of public instruction, in cooperation with the K-12 data governance group established within the office of the superintendent of public instruction, the education data center established within the office of financial management, and the state board of education, shall adopt a rule that the only student data that should not be reported for public reporting and accountability is data where the school or district has fewer than ten students in a grade level or student subgroup.

(2) This section expires August 1, 2017."

Senator Jayapal spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa and others on page 120, line 5 to Substitute Senate Bill No. 5077.

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

MOTION

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

On page 120, line 5, increase the General Fund--State (FY 2016) appropriation by $611,000.

Adjust the total appropriation accordingly.

On page 279, after line 23, insert the following:

"NEW SECTION. **Sec. 964.** A new section is added to chapter 43.215 RCW to read as follows:

The department, in collaboration with the office of the superintendent of public instruction, shall create a community information and involvement plan to inform home-based, tribal, and family early learning providers of the early achievers program under RCW 43.215.100.

NEW SECTION. **Sec. 965.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The Washington integrated student supports protocol is established. The protocol shall be developed by the center for the improvement of student learning, established in RCW 28A.300.130, based on the framework described in this section. The purposes of the protocol include:

(a) Supporting a school-based approach to promoting the success of all students by coordinating academic and nonacademic supports to reduce barriers to academic achievement and educational attainment;

(b) Fulfilling a vision of public education where educators focus on education, students focus on learning, and auxiliary supports enable teaching and learning to occur unimpeded;

(c) Encouraging the creation, expansion, and quality improvement of community-based supports that can be integrated into the academic environment of schools and school districts;

(d) Increasing public awareness of the evidence showing that academic outcomes are a result of both academic and nonacademic factors; and

(e) Supporting statewide and local organizations in their efforts to provide leadership, coordination, technical assistance, professional development, and advocacy to implement high-quality, evidence-based, student-centered, coordinated approaches throughout the state.

(2)(a) The Washington integrated student supports protocol must be sufficiently flexible to adapt to the unique needs of schools and districts across the state, yet sufficiently structured to provide all students with the individual support they need for academic success.

(b) The essential framework of the Washington integrated student supports protocol includes:

(i) Needs assessments: A needs assessment must be conducted for all at-risk students in order to develop or identify the needed academic and nonacademic supports within the students' school and community. These supports must be coordinated to provide students with a package of mutually reinforcing supports designed to meet the individual needs of each student.

(ii) Integration and coordination: The school and district leadership and staff must develop close relationships with providers of academic and nonacademic supports to enhance the effectiveness of the protocol.

(iii) Community partnerships: Community partners must be engaged to provide nonacademic supports to reduce barriers to students' academic success, including supports to students' families.

(iv) Data driven: Students' needs and outcomes must be tracked over time to determine student progress and evolving needs.

(c) The framework must facilitate the ability of any academic or nonacademic provider to support the needs of at-risk students, including, but not limited to: Out-of-school providers, social workers, mental health counselors, physicians, dentists, speech therapists, and audiologists.

NEW SECTION. **Sec. 966.** (1) The legislature intends to integrate the delivery of various academic and nonacademic programs and services through a single protocol. This coordination and consolidation of assorted services, such as expanded learning opportunities, mental health, medical screening, and access to food and housing, is intended to reduce barriers to academic achievement and educational attainment by weaving together existing public and private resources needed to support student success in school.

(2) The office of the superintendent of public instruction shall create a work group to determine how to best implement the framework described in section 801 of this act throughout the state.

(3) The work group must be composed of the following members, who must reflect the geographic diversity across the state:

(a) The superintendent of public instruction or the superintendent's designee;

(b) Three principals and three superintendents representing districts with diverse characteristics, selected by state associations of principals and superintendents, respectively;

(c) A representative from a statewide organization specializing in out-of-school learning;

(d) A representative from an organization with expertise in the needs of homeless students;

(e) A school counselor from an elementary school, a middle school, and a high school, selected by a state association of school counselors;

(f) A representative of an organization that is an expert on a multitiered system of supports; and

(g) A representative from a career and technical student organization.

(4) The superintendent of public instruction shall consult and may contract for services with a national nonpartisan, nonprofit research center that has provided data and analyses to improve policies and programs serving children and youth for over thirty-five years.

(5) The work group must submit to the appropriate committees of the legislature a report recommending policies that need to be adopted or revised to implement the framework described in section 801 of this act throughout the state by October 1, 2016. The work group must submit a preliminary report by October 1, 2015, and a final report by October 1, 2016.

(6) This section expires August 1, 2017.

Sec. 967. RCW 28A.165.035 and 2013 2nd sp.s. c 18 s 203 are each amended to read as follows:

(1) ((~~Beginning in the 2015-16 school year, expenditure of funds from the learning assistance program must be consistent with the provisions of RCW 28A.655.235.~~

~~(2)~~)) Use of best practices that have been demonstrated through research to be associated with increased student achievement magnifies the opportunities for student success. To the extent they are included as a best practice or strategy in one of the state menus or an approved alternative under this section or RCW 28A.655.235, the following are services and activities that may be supported by the learning assistance program:

(a) Extended learning time opportunities occurring:

(i) Before or after the regular school day;

(ii) On Saturday; and

(iii) Beyond the regular school year;

(b) Services under RCW 28A.320.190;

(c) The integrated student supports protocol and services under section 801 of this act;

(d) Professional development for certificated and classified staff that focuses on:

(i) The needs of a diverse student population;

(ii) Specific literacy and mathematics content and instructional strategies; and

(iii) The use of student work to guide effective instruction and appropriate assistance;

((~~(d)~~)) (e) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

((~~(e)~~)) (f) Tutoring support for participating students;

((~~(f)~~)) (g) Outreach activities and support for parents of participating students, including employing parent and family engagement coordinators; and

((~~(g)~~)) (h) Up to five percent of a district's learning assistance program allocation may be used for development of partnerships with community-based organizations, educational service districts, and other local agencies to deliver academic and nonacademic supports to participating students who are significantly at risk of not being successful in school to reduce barriers to learning, increase student engagement, and enhance students' readiness to learn. The ((~~office of the superintendent of public instruction~~)) school board must approve in an open meeting any community-based organization or local agency before learning assistance funds may be expended.

((~~(3)~~)) (2) In addition to the state menu developed under RCW 28A.655.235, the office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop additional state menus of best practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and mathematics ((~~and reduce disruptive behaviors in the classroom~~)). The office of the superintendent of public instruction shall publish the state menus by July 1, 2015, and update the state menus by each July 1st thereafter.

((~~(4)~~)) (3)(a) Beginning in the 2016-17 school year, except as provided in (b) of this subsection, school districts must use a practice or strategy that is on a state menu developed under subsection ((~~(3)~~)) (2) of this section or RCW 28A.655.235.

(b) Beginning in the 2016-17 school year, school districts may use a practice or strategy that is not on a state menu developed under subsection ((~~(3)~~)) (2) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction shall approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate increased improved outcomes for participating students.

(c) Beginning in the 2016-17 school year, school districts may enter cooperative agreements with state agencies, local governments, or school districts for administrative or operational costs needed to provide services in accordance with the state menus developed under this section and RCW 28A.655.235.

((~~(5)~~)) (4) School districts are encouraged to implement best practices and strategies from the state menus developed under this section and RCW 28A.655.235 before the use is required.

Sec. 968. RCW 28A.165.055 and 2013 2nd sp.s. c 18 s 205 are each amended to read as follows:

The funds for the learning assistance program shall be appropriated in accordance with RCW 28A.150.260 and the omnibus appropriations act. The distribution formula is for school district allocation purposes only, but funds appropriated for the learning assistance program must be expended for the

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purposes of RCW 28A.165.005 through 28A.165.065 and 28A.655.235. The funds may also be appropriated for the integrated student supports protocol and services under section 801 of this act.

Sec. 969. RCW 28A.300.130 and 2009 c 578 s 6 are each amended to read as follows:

(1) To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction((~~, to the extent funds are appropriated,~~)) shall establish the center for the improvement of student learning. The center shall work in conjunction with parents, educational service districts, institutions of higher education, and education, parent, community, and business organizations.

(2) The center((~~, to the extent funds are appropriated for this purpose, and~~)) in conjunction with other staff in the office of the superintendent of public instruction, shall:

(a) Serve as a clearinghouse for information regarding successful educational improvement and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational improvement initiatives in Washington schools and districts;

(b) Provide best practices research that can be used to help schools develop and implement: Programs and practices to improve instruction; systems to analyze student assessment data, with an emphasis on systems that will combine the use of state and local data to monitor the academic progress of each and every student in the school district; comprehensive, school-wide improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs and practices to meet the needs of students with disabilities; programs and practices to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; research, information, and technology systems; and other programs and practices that will assist educators in helping students learn the essential academic learning requirements;

(c) Develop and maintain an internet web site to increase the availability of information, research, and other materials;

(d) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available and the broadened school board powers under RCW 28A.320.015;

(e) Provide training and consultation services, including conducting regional summer;

(f) Identify strategies for improving the success rates of ethnic and racial student groups and students with disabilities, with disproportionate academic achievement;

(g) Work with parents, teachers, and school districts in establishing a model absentee notification procedure that will properly notify parents when their student has not attended a class or has missed a school day. The office of the superintendent of public instruction shall consider various types of communication with parents including, but not limited to, electronic mail, phone, and postal mail; and

(h) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; educational service districts; educational organizations; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

(5) The office of the superintendent of public instruction shall report to the legislature by September 1, 2007, and thereafter biennially, regarding the effectiveness of the center for the improvement of student learning, how the services provided by the center for the improvement of student learning have been used and by whom, and recommendations to improve the accessibility and application of knowledge and information that leads to improved student learning and greater family and community involvement in the public education system.

NEW SECTION. **Sec. 970.** A new section is added to chapter 43.215 RCW to read as follows:

The department, in collaboration with the office of the superintendent of public instruction, shall create a community information and involvement plan to inform home-based, tribal, and family early learning providers of the early achievers program under RCW 43.215.100."

Senator Hasegawa spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa and others on page 120, line 5 to Substitute Senate Bill No. 5077.

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

MOTION

Senator Conway moved that the following amendment by Senators Conway and Hasegawa be adopted:

On page 120, line 5, increase the General Fund--State (FY 2016) appropriation by $2,500,000.

On page 120, line 6, increase the General Fund--State (FY 2017) appropriation by $2,500,000.

Adjust the total appropriation accordingly.

On page 133, after line 16, insert the following:

"(42) $2,500,000 of the general fund—state appropriation for fiscal year 2016 and $2,500,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for dropout prevention efforts provided by communities in schools of Washington."

Senator Conway spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Conway and Hasegawa on page 120, line 5 to Substitute Senate Bill No. 5077.

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

MOTION

Senator Warnick moved that the following amendment by Senator Warnick be adopted:

On page 120, line 5, increase the General Fund--State (FY 2016) appropriation by $500,000.

On page 120, line 6, increase the General Fund--State (FY 2017) appropriation by $500,000.

Adjust the total appropriation accordingly.

On page 133, after line 16, insert the following:

"(42) $500,000 of the general fund—state appropriation for fiscal year 2016 and $500,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the office

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of the superintendent of public instruction to contract with a non-profit organization to integrate the state learning standards in English language arts, mathematics and science with outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors."

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Warnick on page 120, line 5 to Substitute Senate Bill No. 5077.

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

MOTION

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

On page 125, on line 35, after "prevention." Insert the following:

"Of the amounts provided in this section $26,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the office of the superintendent of public instruction to develop a statewide anti-bullying training for school district staff that act as the primary contact for the school district's anti-harassment, intimidation, or bullying policy, as required by RCW 28A.300.285. The training shall include materials addressing harassment, intimidation, or bullying as defined in 28A.300.285; transgender student policy and procedures created by the Washington state school directors' association; and materials addressing hazing. The office of superintendent of public instruction to work in collaboration with the educational service districts to offer the statewide anti-bullying training at least once at each of the educational service districts.

The office of the superintendent of public instruction shall align the questions in the healthy youth survey with the model transgender student policy and procedure created by the Washington state school directors' association."

Senator Liias spoke in favor of adoption of the amendment.

Senator Liias demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Liias on page 125, line 5 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Liias on page 125, line 5 to Substitute Senate Bill No. 5077and the amendment was not adopted by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

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

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

MOTION

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

On page 131, line 34, after "complaints;" strike "and"

On page 131, on line 36, after "children" insert the following: "; and

(vi) Complies with state civil rights and nondiscrimination laws applicable to school districts and to the same extent as school districts, including but not limited to chapter 28A.642 RCW (discrimination prohibition), chapter 49.60 RCW (freedom from discrimination), and RCW 9.91.010 (denial of civil rights)"

WITHDRAWAL OF AMENDMENT

On motion of Senator McAuliffe, the amendment by Senator McAuliffe and others on page 131, line 34 to Substitute Senate Bill No. 5077 was withdrawn.

MOTION

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

On page 148, line 36, increase the General Fund--State (FY 2016) appropriation by 55,000,000.

On page 148, line 37, increase the General Fund--State (FY 2017) appropriation by $55,000,000.

Adjust the total appropriation accordingly.

On page 149, after line 38, insert the following:

"(g) The appropriations in this section are sufficient to fund additional salary for three state-directed professional development days for certificated instructional staff as provided within this act."

Senators McAuliffe and Frockt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe and others on page 148, line 36 to Substitute Senate Bill No. 5077.

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

MOTION

Senator Billig moved that the following amendment by Senator Billig be adopted:

On page 159, line 5, increase the General Fund--State (FY 2016) appropriation by $2,800,000.

On page 159, line 6, increase the General Fund--State (FY 2017) appropriation by $2,800,000.

Adjust the total appropriation accordingly.

On page 165, after line 20, insert the following:

"(25) $2,800,000 general fund - state appropriation for fiscal year 2016 and $2,800,000 general fund - state appropriation for fiscal year 2017 are provided solely for purpose of awarding grants for twenty additional learning days to ten pilot districts identified in accordance with RCW 28A.630.125."

On page 180, line 33, increase the General Fund--State (FY 2016) appropriation by $40,000.

On page 180, line 34, increase the General Fund--State (FY 2017) appropriation by $150,000.

Adjust the total appropriation accordingly.

On page 183, after line 16, insert the following:

"(16) $40,000 general fund - state appropriation for fiscal year 2016 and $150,000 general fund - state appropriation for fiscal year 2017

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are provided solely for purpose of the Washington state institute of public policy to conduct an evaluation of the summer knowledge improvement pilot program provided in RCW 28A.630.125. The evaluation must include analysis of: student academic progress; other potential student learning benefits identified through surveys of or interviews with teachers and parents; and impacts on summer learning loss and the educational opportunity gap. The study must also include a review of other programs or states with extended school years. The institute shall submit an interim report to the governor and the appropriate fiscal committees of the legislature by December 1, 2016, and December 1, 2017. The institute shall submit the recommendations and the final report on the pilot program to the governor and appropriate legislative committees by June 30, 2017."

WITHDRAWAL OF AMENDMENT

On motion of Senator Billig, the amendment by Senator Billig on page 159, line 5 to Substitute Senate Bill No. 5077 was withdrawn.

MOTION

Senator Rolfes moved that the following amendment by Senator Rolfes be adopted:

On page 166, line 31, increase the General Fund--State (FY 2016) appropriation by $15,240,000.

On page 166, line 32, increase the General Fund--State (FY 2017) appropriation by $19,157,000.

Adjust the total appropriation accordingly.

On page 167, on line 18, after "(ii)" insert the following:

"For the 2015-16 and 2016-17 school years, the superintendent shall allocate additional funding to school districts specifically to assist students at high-poverty high schools with supplemental instruction and activities that assist students in earning a high school diploma. This additional allocation for high-poverty high schools is an enhancement within the program of the basic education. For the purposes of this subsection, an eligible high-poverty high school is a school where over fifty percent of the students in grades nine through twelve were eligible for free and reduced-price meals in the prior school year. Funding in this section may be used for allowable activities under chapter 28A.165 RCW and also to support career mentoring. Districts may receive funds only after submitting an approved plan to the office of the superintendent of public instruction that addresses how the new funding will be used to improve graduation rates. The plans must include, but are not limited to, addressing student absenteeism, discipline actions, and lack of accumulated high school credits necessary for grade progression or graduation. In calculating the additional allocations, the superintendent shall assume the following averages: (A) Additional instruction of 1.000 hours per week per funded learning assistance program student for the 2015-16 school year and the 2016-17 school year; (B) fifteen learning assistance program students per teacher; (C) 36 instructional weeks per year; (D) 900 instructional hours per teacher; and (E) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(iii)"

Senator Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rolfes on page 166, line 31 to Substitute Senate Bill No. 5077.

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

MOTION

At 12:11 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 12:30 a.m. by President Owen.

PERSONAL PRIVILEGE

Senator Fain: “Thank you Mr. President. this is by no means a pause to our evening, we are going to keep, you know second start of the night and straight on till the morning but I did want to take this moment right because we a lot of great staff that are sticking around here awfully late to help us do our job and I think it’s a good time to thank them.”

MOTION

Senator McCoy moved that the following amendment by Senators McCoy and Keiser be adopted:

On page 175, line 8, increase the General Fund--State (FY 2016) appropriation by $25,000

On page 175, line 9, increase the General Fund--State (FY 2016) appropriation by $25,000

Adjust the total appropriation accordingly.

On page 177, after line 9, insert the following:

"(13) $25,000 of the general fund-state appropriation for fiscal year 2016 and $25,000 of the general fund-state appropriation for fiscal year 2017 are provided solely to the University of Washington school of medicine dental health aid therapist program to provide technical assistance, in collaboration with the governor's office of Indian affairs, to federally recognized Indian tribes, tribal organizations, and urban Indian organizations desiring to implement a dental health aid therapist program in Washington. A dental health aid therapist program implemented pursuant to this subsection shall comply with the following requirements:

(a) A federally recognized Indian tribe, tribal organization, or urban Indian organization is authorized to train, supervise, employ, or contract with or for the services of a dental health aide, including a dental health aide therapist, only in practice settings operated by an Indian health program or an urban Indian organization;

(b) Dental health aides, including dental health aide therapists, employed or contracted to perform services under this section:

(i) must be certified by either a federal community health aide program certification board or by an Indian tribe that has adopted equivalent or higher standards than those imposed by a federal community health aide program certification board regarding curriculum, training, scope of practice, continuing education, and supervision requirements;

(ii) may perform only those procedures permitted under standards adopted by a federal community health aide program certification board or an Indian tribe that has adopted equivalent or higher standards than those imposed by a federal community health aide program certification board regarding scope of practice, continuing education, and supervision requirements; and

(iii) are subject to any service limitations provided by the Indian health care improvement act (25 U.S.C. Sec. 1616l), and to any applicable limitations written by the supervising dentist of the dental health aide in standing orders.

(2) For purposes of this section, the terms "Indian tribe," "Indian health program," "tribal organization," and "urban Indian

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organization" shall have the meaning given them in the Indian health care improvement act (25 U.S.C. Sec. 1603).

(3) The health care authority is directed to coordinate with the centers for medicare and medicaid services to ensure the dental health aide services authorized in this section are eligible for maximum federal funding of up to one hundred percent. It is the intent of the legislature to ensure dental health aide services, including those of dental health aide therapists, by Indian tribes, tribal organizations, and urban Indian organizations are eligible for medicaid funding to promote increased dental care access for persons served in these practice settings in accord with the Indian health care improvement act (25 U.S.C. Sec. 1616l)."

Senator McCoy spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McCoy and Keiser on page 175, line 8 to Substitute Senate Bill No. 5077.

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

MOTION

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

On page 175, line 8, increase the General Fund--State (FY 2016) appropriation by $25,000

On page 175, line 9, increase the General Fund--State (FY 2016) appropriation by $25,000

Adjust the total appropriation accordingly.

On page 177, after line 9, insert the following:

"(13) $25,000 of the general fund-state appropriation for fiscal year 2016 and $25,000 of the general fund-state appropriation for fiscal year 2017 are provided solely to the University of Washington school of medicine dental health aid therapist program to provide technical assistance, in collaboration with the governor's office of Indian affairs, to federally recognized Indian tribes, tribal organizations, and urban Indian organizations desiring to implement a dental health aid therapist program in Washington. A dental health aid therapist program implemented pursuant to this subsection shall comply with the following requirements:

(a) A federally recognized Indian tribe, tribal organization, or urban Indian organization is authorized to train, supervise, employ, or contract with or for the services of a dental health aide, including a dental health aide therapist, only in practice settings operated by an Indian health program or an urban Indian organization;

(b) Dental health aides, including dental health aide therapists, employed or contracted to perform services under this section:

(i) must be certified by either a federal community health aide program certification board or by an Indian tribe that has adopted equivalent or higher standards than those imposed by a federal community health aide program certification board regarding curriculum, training, scope of practice, continuing education, and supervision requirements;

(ii) may perform only those procedures permitted under standards adopted by a federal community health aide program certification board or an Indian tribe that has adopted equivalent or higher standards than those imposed by a federal community health aide program certification board regarding scope of practice, continuing education, and supervision requirements; and

(iii) are subject to any service limitations provided by the Indian health care improvement act (25 U.S.C. Sec. 1616l), and to any applicable limitations written by the supervising dentist of the dental health aide in standing orders.

(2) For purposes of this section, the terms "Indian tribe," "Indian health program," "tribal organization," and "urban Indian organization" shall have the meaning given them in the Indian health care improvement act (25 U.S.C. Sec. 1603).

(3) The health care authority is directed to coordinate with the centers for medicare and medicaid services to ensure the dental health aide services authorized in this section are eligible for maximum federal funding of up to one hundred percent. It is the intent of the legislature to ensure dental health aide services, including those of dental health aide therapists, by Indian tribes, tribal organizations, and urban Indian organizations are eligible for medicaid funding to promote increased dental care access for persons served in these practice settings in accord with the Indian health care improvement act (25 U.S.C. Sec. 1616l)."

Senators Frockt and Ranker spoke in favor of adoption of the amendment.

Senator Frockt demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Frockt on page 175, line 8 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Frockt on page 175, line 8 to Substitute Senate Bill No. 5077 and the amendment was not adopted by the following vote: Yeas, 26; Nays, 22; Absent, 1; Excused, 0.

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

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

Absent: Senator Ericksen

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles and others be adopted:

On page 184, line 21, increase the General Fund--State (FY 2016) appropriation by $2,658,000

On page 184, line 22, increase the General Fund--State (FY 2017) appropriation by $8,041,000

Adjust the total appropriation accordingly.

On page 185, line 16, after "institutions.", strike all material down through and including "institutions." on line 20

Senators Kohl-Welles and Hill spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles and others on page 184, line 21 to Substitute Senate Bill No. 5077.

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

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles and others be adopted.

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On page 184, line 21, increase the General Fund--State (FY 2016) appropriation by $12,750,000

On page 184, line 22, increase the General Fund--State (FY 2017) appropriation by $25,500,000

Adjust the total appropriation accordingly.

On page 184, line 33, after "(1)" strike "$227,893,000" and insert "$240,643,000"

On page 184, line 34, after "and" strike "$194,411,000" and insert "$219,911,000"

Senators Kohl-Welles and Jayapal spoke in favor of adoption of the amendment.

Senator Kohl-Welles demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles on page 184, line 21 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Kohl-Welles and others on page 184, line 21 to Substitute Senate Bill No. 5077and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

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

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

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl- Welles and Hasegawa be adopted:

On page 186, after line 39, insert the following:

"(10) $38,406,000 of the GET ready for college account is provided solely for the office to establish the Get ready for college program and to pay for the fifty dollar enrollment fee and for one GET unit to open a GET account on behalf of:

(a) Every child born in Washington state after the effective date of this section; and

(b) Any child born after the effective date of this section, who subsequently moves to Washington state and enrolls in a public school, if one or both of the child's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year.

(2) In carrying out this duty in subsection (1), the office shall:

(a) Develop and implement a process for establishing the accounts and account beneficiaries;

(b) Establish rules for implementing the program;

(c) Provide information to hospitals, clinics, physicians and nurse practitioners, birthing centers, community organizations, school districts, and institutions of higher education regarding the program, the state's offer to pay the enrollment fee to open an account, the one unit minimum purchase requirement, and the program benefits and limitations; and

(d) Accept grants and donations from private sources to match state funds appropriated for the GET ready for college program.

(3) It is the intent of the legislature that for children who have a GET account opened under the GET ready for college program shall have deposited into that account additional GET units upon the child reaching educational milestones. The office shall purchase GET units to be owned and held in trust by the office and distribute units to individual, personally owned accounts upon the child achieving the following:

(a) Upon entry into kindergarten, ten units;

(b) Upon completion of the fourth grade statewide academic assessments for reading, writing, and mathematics, twenty units. The child does not need to meet the state standard to receive the GET units;

(c) Upon completion of the fifth grade, thirty units;

(d) Upon completion of the eighth grade, forty units;

(e) Upon completion of the ninth grade, fifteen units;

(f) Upon completion of the tenth grade, fifteen units;

(g) Upon completion of the eleventh grade, twenty units; and

(h) Upon graduation from a Washington state public high school, fifty units.

(4) The office of the superintendent of public instruction shall enter into any necessary data-sharing agreements with the office to facilitate implementation of this section.

(5) The office shall develop necessary forms, policies, and procedures to provide parents or guardians the ability to voluntarily waive any privacy rights to facilitate the exchange of personal information between the common schools and the office for implementation of this section."

On page 221, after line 21, insert the following:

"General Fund: For transfer to the GET ready for college account, $19,203,000 in fiscal year 2016 and $19,203,000 in fiscal year 2017.....$38,406,000"

On page 234, after line 37, insert the following:

NEW SECTION. **Sec. 925.** A new section is added to chapter 28B.95 RCW to read as follows:

"The GET ready for college account is created in the custody of the state treasurer. The office shall deposit into the account all moneys received for the GET ready for college program from appropriations and private sources. Only the director of the office or the director's designee may authorize expenditures from the account. Expenditures from the account, not to exceed five percent, may be used by the office to carry out the provisions of this section. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures."

WITHDRAWAL OF AMENDMENT

On motion of Senator Kohl-Welles, the amendment by Senators Kohl-Welles and Hasegawa on page 186, line 39 to Substitute Senate Bill No. 5077 was withdrawn.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl- Welles and Hasegawa be adopted:

On page 186, after line 39, insert the following:

"(10) Within the amounts appropriated in section, the student achievement council is directed to disburse state need grants amounts to institutions of higher education, which shall include awards for students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits."

On page 234, line 38, after "Sec. 926", insert

"RCW 28B.92.080 and 2012 c 229 s 605 are each amended to read as follows:

Except for opportunity internship graduates whose eligibility is provided under RCW 28B.92.084, for a student to be eligible for a state need grant a student must:

(1) Be a "needy student" or "disadvantaged student" as determined by the office in accordance with RCW 28B.92.030 (((~~(1)~~)))(2) and (((~~(4)~~)))(5);

(2) Have been domiciled within the state of Washington for at least one year;

(3) Be enrolled or accepted for enrollment ((~~on at least a half-time basis~~))for at least three quarter credits or the equivalent semester credits at an institution of higher education in Washington as defined in RCW 28B.92.030(((~~(3)~~)))(4); and

(4) ((~~Until June 30, 2011, to the extent funds are specifically appropriated for this purpose, and subject to any terms and conditions specified in the omnibus appropriations act, be enrolled or accepted for enrollment for at least three quarter credits or the equivalent semester credits at an institution of higher education in Washington as defined in RCW 28B.92.030(3); and~~

~~(5)~~)) Have complied with all the rules adopted by the council for the administration of this chapter."

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

WITHDRAWAL OF AMENDMENT

On motion of Senator Kohl-Welles, the amendment by Senators Kohl-Welles and Hasegawa on page 186, line 39 to Substitute Senate Bill No. 5077 was withdrawn.

MOTION

Senator McCoy moved that the following amendment by Senators McCoy and McAuliffe be adopted:

On page 187, line 9, increase the General Fund--State (FY 2016) appropriation by $138,000.

On page 187, line 10, increase the General Fund--State (FY 2017) appropriation by $138,000.

Adjust the total appropriation accordingly.

On page 191, after line 23, insert the following:

"(13) $138,000 of the general fund--state appropriation for fiscal year 2016 and $138,000 of the general fund--state appropriation for fiscal year 2017 are provided solely for a Native early child care and education specialist. It is the intent of the legislature that this specialist will be funded from marijuana-related revenue. This specialist shall be responsible for coordinating culturally competent technical assistance for early child care and education programs serving American Indian and Alaska Native children and their families and seeking funds to develop, in collaboration with tribal nations, and implement support services to do the following:

(a) Expand the number of licensed tribal child care providers;

(b) Increase the number of American Indian and Alaska Native early child care and education professional development opportunities for early child care and education professionals serving American Indian and Alaska Native children and their families; and

(c) Provide culturally relevant professional development opportunities for early child care and education professionals serving American Indian and Alaska Native children and their families;

(d) Facilitate the inclusion of native language programs in early child care and education programs serving American Indian and Alaska Native children and their families.

Senator McCoy spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McCoy and McAuliffe on page 187, line 9 to Substitute Senate Bill No. 5077.

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

MOTION

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

On page 187, line 9, increase the General Fund--State (FY 2016) appropriation by $2,000,000.

On page 187, line 10, increase the General Fund--State (FY 2017) appropriation by $2,000,000.

Adjust the total appropriation accordingly.

On page 191, after line 23, insert the following:

"(13) "$2,000,000 of the general fund--state appropriation for fiscal year 2016 and $2,000,000 of the general fund--state appropriation for fiscal year 2017 are provided solely for the early support for infants and toddlers program."

Senator Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rolfes and others on page 187, line 9 to Substitute Senate Bill No. 5077.

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

MOTION

Senator Billig moved that the following amendment by Senator Billig be adopted:

On page 189, after line 34, insert the following:

"(c) Within the amounts provided in (a) of this subsection, the department is authorized to maintain funding for 1,359 full day slots and 567 extended day slots for eligible children in the early childhood education assistance program."

Senator Billig spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Billig on page 189, line 34 to Substitute Senate Bill No. 5077.

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

MOTION

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

On page 210, on line 29, strike all material after "account.", through "lapse." on line 32, and insert the following:

"The appropriation is provided solely for the office of financial management to enter into a contract with a non-profit organization to integrate the state's learning standards in English language arts, mathematics and science with outdoor field studies and project- and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors."

WITHDRAWAL OF AMENDMENT

On motion of Senator Warnick, the amendment by Senator Warnick and others on page 210, line 29 to Substitute Senate Bill No. 5077 was withdrawn.

MOTION

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

On page 214, beginning on line 13, strike all of section 742;

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On page 229, line 9, increase $834 by $27;
On page 229, line 11, increase $858 by $60;
On page 230, line 8, increase $834 by $27;
On page 230, line 10, increase $858 by $60;
On page 232, line 18, increase $834 by $27;
On page 232, line 20, increase $858 by $60

Renumber the remaining sections consecutively and correct any internal references accordingly

Senators Conway and Fraser spoke in favor of adoption of the amendment.

Senator Nelson demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Conway and others on page 214, line 13 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Conway and others on page 214, line 13 to Substitute Senate Bill No. 5077 and the amendment was not adopted by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

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

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

MOTION

Senator Keiser moved that the following amendment by Senator Keiser and others be adopted.

On page 214, beginning on line 36, strike all of section 743;
On page 229, line 9, increase $834 by $8;
On page 229, line 11, increase $858 by $19;
On page 230, line 8, increase $834 by $8;
On page 230, line 10, increase $858 by $19;
On page 232, line 18, increase $834 by $8;
On page 232, line 20, increase $858 by $19.

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

Senator Keiser spoke in favor of adoption of the amendment.

Senator Keiser demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser and others on page 214, line 36 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Keiser and others on page 214, line 36 to Substitute Senate Bill No. 5077and the amendment was not adopted by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hobbs, Jayapal, Keiser, Kohl-Welles, Liias, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Pedersen, Ranker, Rivers, Roach and Rolfes

Voting nay: Senators Angel, Bailey, Baumgartner, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hill, Honeyford, King, Litzow, Miloscia, Padden, Parlette, Pearson, Schoesler, Sheldon and Warnick

MOTION

Senator Hargrove moved that the following amendment by Senator Hargrove and others be adopted.

On page 215, after line 21, strike all of sections 744 and 745.

On page 224, after line 9, strike all material through "this act." on page 228, line 33, and insert

"NEW SECTION. **Sec. 908. COLLECTIVE BARGAINING AGREEMENT—WFSE**

General Fund—State Appropriation (FY 2016) .$25,342,000
General Fund—State Appropriation (FY 2017) .$39,141,000
General Fund—Federal Appropriation $28,224,000
General Fund—Private/Local Appropriation $2,457,000
Dedicated Funds and Accounts Appropriation ..$42,913,000
TOTAL APPROPRIATION $138,077,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the governor and the Washington federation of state employees general government under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2015, and a one and eight-tenths percent general wage increase or a one percent general wage increase plus twenty dollars per month, whichever is greater, effective July 1, 2016. The agreement also includes and funding is provided for salary adjustments for targeted job classifications, assignment pay for targeted job classifications, hazard pay for designated night crews, and geographic pay for designated areas. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 713-2015 to fund the provisions of this agreement.

NEW SECTION. **Sec. 909. COLLECTIVE BARGAINING AGREEMENT—WPEA**

General Fund—State Appropriation (FY 2016) .. $3,015,000
General Fund—State Appropriation (FY 2017) .. $4,397,000
General Fund—Federal Appropriation $466,000
General Fund—Private/Local Appropriation $2,000
Dedicated Funds and Accounts Appropriation ... $4,068,000
TOTAL APPROPRIATION $11,948,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the governor and the Washington public employees association general government under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2015, and a one and eight-tenths percent general wage increase or a one percent general wage increase plus twenty dollars per month, whichever is greater, effective July 1, 2016. The agreement also includes and funding is provided for salary adjustments for targeted job classifications. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 713-2015 to fund the provisions of this agreement.

NEW SECTION. **Sec. 910. COLLECTIVE BARGAINING AGREEMENT—COALITION OF UNIONS**

General Fund—State Appropriation (FY 2016) .. $1,632,000
General Fund—State Appropriation (FY 2017) .. $2,106,000
General Fund—Federal Appropriation $728,000

General Fund—Private/Local Appropriation $161,000
Dedicated Funds and Accounts Appropriation $2,578,000
TOTAL APPROPRIATION.....$7,205,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2015, and a one and eight-tenths percent general wage increase or a one percent general wage increase plus twenty dollars per month, whichever is greater, effective July 1, 2016. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and annual payments for board certified psychiatrists and physicians. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 713-2015 to fund the provisions of this agreement.

NEW SECTION. **Sec. 911. COLLECTIVE BARGAINING AGREEMENT—WAFWP**

General Fund—State Appropriation (FY 2016) $605,000
General Fund—State Appropriation (FY 2017) $732,000
General Fund—Federal Appropriation $1,644,000
General Fund—Private/Local Appropriation $520,000
Dedicated Funds and Accounts Appropriation $2,126,000
TOTAL APPROPRIATION.....$5,627,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the governor and the Washington association of fish and wildlife professionals under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2015, and a one and eight-tenths percent general wage increase or a one percent general wage increase plus twenty dollars per month, whichever is greater, effective July 1, 2016. The agreement also includes and funding is provided for salary adjustments for targeted job classifications. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 713-2015 to fund the provisions of this agreement.

NEW SECTION. **Sec. 912. COLLECTIVE BARGAINING AGREEMENT—PTE LOCAL 17**

General Fund—State Appropriation (FY 2016) $4,000
General Fund—State Appropriation (FY 2017) $6,000
TOTAL APPROPRIATION.....$10,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2015, and a one and eight-tenths percent general wage increase or a one percent general wage increase plus twenty dollars per month, whichever is greater, effective July 1, 2016. The agreement also includes and funding is provided for salary adjustments for targeted job classifications. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 713-2015 to fund the provisions of this agreement.

NEW SECTION. **Sec. 913. COLLECTIVE BARGAINING AGREEMENT—SEIU 1199NW**

General Fund—State Appropriation (FY 2016) ..$3,815,000
General Fund—State Appropriation (FY 2017) ..$4,887,000
General Fund—Federal Appropriation $2,274,000
General Fund—Private/Local Appropriation $91,000
Health Professions Account—State Appropriation ..$82,000
TOTAL APPROPRIATION.....$11,149,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the governor and the service employees international union healthcare 1199nw under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2015, and a one and eight-tenths percent general wage increase effective July 1, 2016. The agreement also includes and funding is provided for additional geographic location pay premiums to address recruitment and retention issues and increased training reimbursement. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 713-2015 to fund the provisions of this agreement.

NEW SECTION. **Sec. 914. COLLECTIVE BARGAINING AGREEMENT—TEAMSTERS LOCAL 117**

General Fund—State Appropriation (FY 2016) .$15,872,000
General Fund—State Appropriation (FY 2017) .$31,781,000
Washington Auto Theft Prevention Authority—State Appropriation..... $10,000
TOTAL APPROPRIATION $47,663,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the governor and the international brotherhood of teamsters local 117 through an interest arbitration decision as provided in a memorandum of understanding between the parties and under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for the awarded five and one-half percent general wage increase effective July 1, 2015, and a four and three-tenths percent general wage increase effective July 1, 2016. The agreement also includes and funding is provided for salary adjustments for targeted job classifications, supplemental shift premiums for LPNs, payment for overtime exempt employees in specified job classifications when on standby status, and the elimination of geographic location premium pay. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 713-2015 to fund the provisions of this agreement.

NEW SECTION. **Sec. 915. COLLECTIVE BARGAINING AGREEMENT—WFSE HIGHER EDUCATION COMMUNITY COLLEGE COALITION**

General Fund—State Appropriation (FY 2016) .. $1,690,000
General Fund—State Appropriation (FY 2017) .. $2,698,000
Education Legacy Trust Account—State Appropriation $95,000
TOTAL APPROPRIATION $4,483,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the governor and the Washington federation of state employees community college coalition under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2015, and a one and eight-tenths percent general wage increase or a one percent general wage increase plus twenty dollars per month, whichever is greater, effective July 1, 2016. The agreement also includes and funding is provided for salary adjustments for targeted job classifications. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 713-2015 to fund the provisions of this agreement.

NEW SECTION. **Sec. 916. COLLECTIVE BARGAINING AGREEMENT—WPEA HIGHER EDUCATION COMMUNITY COLLEGE COALITION**

General Fund—State Appropriation (FY 2016) .. $1,331,000
General Fund—State Appropriation (FY 2017) .. $2,111,000

Draft

Education Legacy Trust Account—State Appropriation $5,000
TOTAL APPROPRIATION $3,447,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the governor and the Washington public employees association community college coalition under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2015, and a one and eight-tenths percent general wage increase or a one percent general wage increase plus twenty dollars per month, whichever is greater, effective July 1, 2016. The agreement also includes and funding is provided for salary adjustments for targeted job classifications. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 713-2015 to fund the provisions of this agreement.

NEW SECTION. **Sec. 917. COLLECTIVE BARGAINING AGREEMENT—WSP TROOPERS ASSOCIATION**

General Fund—State Appropriation (FY 2016) $369,000
General Fund—State Appropriation (FY 2017) $539,000
General Fund—Federal Appropriation $15,000
General Fund—Private/Local Appropriation $44,000
Vehicle License Fraud Account—State Appropriation $29,000
TOTAL APPROPRIATION $996,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the governor and the Washington state patrol troopers association through an interest arbitration decision under the provisions of chapter 41.56 RCW for the 2015-2017 fiscal biennium. Funding is provided for the awarded seven percent general wage increase effective July 1, 2015, and a three percent general wage increase effective July 1, 2016. Funding is also provided for a three percent specialty pay for breath alcohol concentration technicians. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 713-2015 to fund the provisions of this agreement.

NEW SECTION. **Sec. 918. COLLECTIVE BARGAINING AGREEMENT—WSP LIEUTENANTS ASSOCIATION**

General Fund—State Appropriation (FY 2016) $52,000
General Fund—State Appropriation (FY 2017) $107,000
TOTAL APPROPRIATION $159,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the governor and the Washington state patrol lieutenants association through an interest arbitration decision under the provisions of chapter 41.56 RCW for the 2015-2017 fiscal biennium. Funding is provided for the awarded five percent general wage increase effective July 1, 2015, and a five percent general wage increase effective July 1, 2016. Funding is also provided to increase annual clothing allowance and increase in accumulated holiday credits. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 713-2015 to fund the provisions of this agreement.

NEW SECTION. **Sec. 919. COLLECTIVE BARGAINING AGREEMENT—YAKIMA VALLEY COMMUNITY COLLEGE—WPEA**

General Fund—State Appropriation (FY 2016) $271,000
General Fund—State Appropriation (FY 2017) $356,000
Education Legacy Trust Account—State Appropriation $2,000
TOTAL APPROPRIATION $629,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between Yakima Valley Community College and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2015, and a one and eight-tenths percent general wage increase or a one percent general wage increase plus twenty dollars per month, whichever is greater, effective July 1, 2016. The agreement also includes and funding is provided for salary adjustments for targeted job classifications, an hourly increase in shift differential pay, and a one-time settlement incentive pay of two and one-half percent of anticipated salary per year. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 713-2015 to fund the provisions of this agreement.

NEW SECTION. **Sec. 919. COLLECTIVE BARGAINING AGREEMENT—HIGHLINE COLLEGE—WPEA**

General Fund—State Appropriation (FY 2016) $145,000
General Fund—State Appropriation (FY 2017) $195,000
Education Legacy Trust Account—State Appropriation $1,000
TOTAL APPROPRIATION $341,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between Highline college and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2015, and a one and eight-tenths percent general wage increase or a one percent general wage increase plus twenty dollars per month, whichever is greater, effective July 1, 2016. The agreement also includes and funding is provided for two additional personal leave days per year, an hourly increase in shift differential pay, and a one-time signing incentive. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 713-2015 to fund the provisions of this agreement.

NEW SECTION. **Sec. 920. COLLECTIVE BARGAINING AGREEMENT—THE EVERGREEN STATE COLLEGE—WFSE**

An agreement has been reached between The Evergreen State College and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2015, and a one and eight-tenths percent general wage increase or a one percent general wage increase plus twenty dollars per month, whichever is greater, effective July 1, 2016. The agreement also includes and funding is provided for salary adjustments for targeted job classifications, assignment pay for specified job classes, additional steps to the vacation accrual schedules, and a rate re-opener if specified conditions exist.

NEW SECTION. **Sec. 921. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY—WFSE**

An agreement has been reached between the Western Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2015, and a one and eight-tenths percent general wage increase effective July 1, 2016. The agreement also includes and funding is provided for implementation of the salary survey to twenty-five percent of the prevailing wage, and for increases to targeted job classifications.

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NEW SECTION. **Sec. 922. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY—PSE**

An agreement has been reached between the Western Washington University and the public schools employees under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2015, and a one and eight-tenths percent general wage increase effective July 1, 2016. The agreement also includes and funding is provided for implementation of the salary survey to twenty-five percent of the prevailing wage, and for increases to targeted job classifications.

NEW SECTION. **Sec. 923 COLLECTIVE BARGAINING AGREEMENT—EASTERN WASHINGTON UNIVERSITY—WFSE**

General Fund—State Appropriation (FY 2016) .. $1,259,000
General Fund—State Appropriation (FY 2017) .. $1,750,000
Dedicated Funds and Accounts Appropriation $3,000
TOTAL APPROPRIATION $3,012,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between Eastern Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2015, and a one and eight-tenths percent general wage increase or a one percent general wage increase plus eleven cents per hour, whichever is greater, effective July 1, 2016. The agreement also includes and funding is provided for salary adjustments for targeted job classifications, a wage increase for employees earning less than fifteen dollars per hour, and a one hundred fifty dollar signing bonus. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 713-2015 to fund the provisions of this agreement.

NEW SECTION. **Sec. 924. COLLECTIVE BARGAINING AGREEMENT—CENTRAL WASHINGTON UNIVERSITY—WFSE**

An agreement has been reached between Central Washington University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for a two percent increase in base wages effective July 1, 2015, and a one and eight-tenths percent increase in base wages effective July 1, 2016. The agreement also includes and funding is provided for a two and one-half of one percent salary adjustment for targeted job classifications, an extension of call back pay to law enforcement officers, an increase in law enforcement officer footwear reimbursement, and an increase in the hourly rate for shift premium.

NEW SECTION. **Sec. 925. COLLECTIVE BARGAINING AGREEMENT—CENTRAL WASHINGTON UNIVERSITY—PSE**

General Fund—State Appropriation (FY 2016) $454,000
General Fund—State Appropriation (FY 2017) $616,000
Education Legacy Trust Account—State Appropriation $2,000
TOTAL APPROPRIATION $1,072,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between Central Washington University and the public schools employees under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for a two percent increase in base wages effective July 1, 2015, and a one and eight-tenths percent increase in base wages effective July 1, 2016. The agreement also includes and funding is provided for a two and one-half of one percent salary adjustment for targeted job classifications and an increase in standby pay rate. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 713-2015 to fund the provisions of this agreement.

NEW SECTION. **Sec. 926. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—WFSE**

An agreement has been reached between the University of Washington and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2015, and a two percent general wage increase effective July 1, 2016. The agreement also includes and funding is provided for market adjustments for targeted job classifications, an adjustment to the minimum pay step, and targeted incentive and longevity pay for police management staff.

NEW SECTION. **Sec. 927. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON—SEIU 925**

General Fund—State Appropriation (FY 2016) $530,000
General Fund—State Appropriation (FY 2017) $850,000
Dedicated Funds and Accounts Appropriation $72,000
TOTAL APPROPRIATION $1,452,000

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the University of Washington and the service employees Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2015, and a two percent general wage increase effective July 1, 2016. The agreement also includes and funding is provided for salary and market adjustments for targeted job classifications, and an adjustment to the minimum pay rate. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 713-2015 to fund the provisions of this agreement.

NEW SECTION. **Sec. 928. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—WFSE**

An agreement has been reached between the Washington State University and the Washington federation of state employees under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2015, and a one and eight-tenths percent general wage increase effective July 1, 2016.

NEW SECTION. **Sec. 929. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—PSE**

An agreement has been reached between the Washington State University and the public schools employees under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2015, and a one and eight-tenths percent general wage increase or a one percent general wage increase plus twenty dollars per month, whichever is greater, effective July 1, 2016.

NEW SECTION. **Sec. 930. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—WSU POLICE GUILD**

General Fund—State Appropriation (FY 2016) $13,000
General Fund—State Appropriation (FY 2017) $23,000
TOTAL APPROPRIATION $36,000

Draft

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the Washington State University and the WSU Police Guild under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for a three percent general wage increase effective July 1, 2015, and a one and eight-tenths percent general wage increase effective July 1, 2016. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 713-2015 to fund the provisions of this agreement.

NEW SECTION. **Sec. 931. GENERAL WAGE INCREASES**

General Fund—State Appropriation (FY 2016) $14,051,000
General Fund—State Appropriation (FY 2017) $22,702,000
General Fund—Federal Appropriation $9,034,000
General Fund—Private/Local Appropriation $866,000
Dedicated Funds and Accounts Appropriation ..$24,757,000
TOTAL APPROPRIATION.....$71,410,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided for state agency employee compensation for employees who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW, or RCW 41.56.473 or 41.56.475 is sufficient for general wage increases.

(2) Funding is provided for a three percent general wage increase effective July 1, 2015, for all classified employees, as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a three percent salary increase effective July 1, 2015, for executive, legislative, and judicial branch employees exempt from merit system rules, whose maximum salaries are not set by the commission on salaries for elected officials.

(3) Funding is provided for a general wage increase of one and eight-tenths percent or a one percent general wage increase plus twenty dollars per month, whichever is greater, effective July 1, 2016, for all classified employees, as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a one and eight-tenths percent salary increase effective July 1, 2016, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 713-2015 to fund the provisions of this agreement.

NEW SECTION. **Sec. 932. INITIATIVE 732 COST-OF-LIVING INCREASES**

General Fund—State Appropriation (FY 2016) ($4,631,000)
General Fund—State Appropriation (FY 2017) ($8,034,000)
Education Legacy Trust Account—State Appropriation
..... ($93,000)
TOTAL APPROPRIATION..... ($12,758,000)

Part 9 of this act authorizes general wage increases for state employees covered by Initiative Measure No. 732. The general wage increases are inclusive of the annual cost-of-living adjustments required under Initiative Measure No. 732. Appropriations for state agencies are adjusted by the amounts specified in LEAP omnibus document 713-2015 to reflect the inclusion of these amounts in other authorized salary increases.

NEW SECTION. **Sec. 933. TARGETED COMPENSATION INCREASES**

General Fund—State Appropriation (FY 2016) $889,000
General Fund—State Appropriation (FY 2017) $893,000
General Fund—Federal Appropriation $600,000
General Fund—Private/Local Appropriation $34,000
Dedicated Funds and Accounts Appropriation ... $2,459,000
TOTAL APPROPRIATION $4,875,000

The appropriations in this section are subject to the following conditions and limitations: Funding is also provided for salary adjustments for targeted job classifications as specified by the office of financial management of classified state employees, except those represented by a collective bargaining unit under chapters 41.80 and 47.64 RCW and RCW 41.56.473 and 41.56.475. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 713-2015 to fund the provisions of this agreement.

NEW SECTION. **Sec. 934. GENERAL WAGE INCREASES - HIGHER EDUCATION**

General Fund—State Appropriation (FY 2016) .$21,223,000
General Fund—State Appropriation (FY 2017) .$34,330,000
General Fund—Federal Appropriation..... $80,000
Dedicated Funds and Accounts Appropriation $896,000
TOTAL APPROPRIATION $56,529,000

The appropriations in this section are subject to the following conditions and limitations: Funding provided is sufficient for state employee compensation increases for employees of higher education institutions who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475. Funding is sufficient for general wage increases of three percent effective July 1, 2015, and for a one and eight-tenths percent or a one percent general wage increase plus twenty dollars per month, whichever is greater, effective July 1, 2016. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 713-2015 for the adjustments in this section.

NEW SECTION. **Sec. 935. TARGETED COMPENSATION INCREASES - HIGHER EDUCATION**

General Fund—State Appropriation (FY 2016) $21,000
General Fund—State Appropriation (FY 2017) $21,000
General Fund—Federal Appropriation $8,000
TOTAL APPROPRIATION $50,000

The appropriations in this section are subject to the following conditions and limitations: Funding is also provided for salary adjustments for targeted job classifications as specified by the office of financial management of classified state employees employed by higher education institutions, except those represented by a collective bargaining unit under chapters 41.80 and 47.64 RCW and RCW 41.56.473 and 41.56.475. Appropriations for state agencies are increased by the amounts specified in LEAP omnibus document 713-2015 for the adjustments in this section."

On page 231, after line 8, strike all material through "services." on line 23 and insert:

"An agreement has been reached between the governor and the service employees international union healthcare 775nw under the provisions of chapter 74.39A and 41.56 RCW for the 2015-2017 fiscal biennium. Funding is provided for increases to wages and pay differentials, contributions to a retirement benefit, and contributions to health care. Funding is also provided for increased contributions for training related obligations."

Renumber the remaining sections consecutively and correct any internal references accordingly

Senators Hargrove, Ranker, Chase, Fraser and Habib spoke in favor of adoption of the amendment.

Senator Fraser demanded a roll call.

Unofficial

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove and others on page 215, after line 21 to Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Hargrove and others on page 215, after line 21 to Substitute Senate Bill No. 5077and the amendment was not adopted by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Billig, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hobbs, Jayapal, Keiser, Kohl-Welles, Liias, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Pearson, Pedersen, Ranker, Rivers, Roach and Rolfes

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Honeyford, King, Litzow, Padden, Parlette, Schoesler, Sheldon and Warnick

MOTION

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

On page 220, line 10, strike "$26,000,000" and insert "16,000,000".

On page 220, line 15, strike "25,400,000" and insert "15,400,000".

On page 220, line 16, strike everything from "Life Science Discovery Fund" through "$15,900,000".

On page 220, line 16, insert the following:

"Tobacco Settlement Account: For transfer to the life sciences discovery fund, from the amounts deposited in the account that are attributable to the annual strategic payment received in fiscal year 2016……. $10,000,000.

Tobacco Settlement Account: For transfer to the life sciences discovery fund, from the amounts deposited in the account that are attributable to the annual strategic payment received in fiscal year 2017……. $10,000,000"

WITHDRAWAL OF AMENDMENT

On motion of Senator Liias, the amendment by Senator Liias and others on page 220, line 10 to Substitute Senate Bill No. 5077 was withdrawn.

MOTION

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

On page 221, starting on line 2, strike all material through line 4 on page 221.

On page 255, starting on line 10, strike all material through line 12 on page 256.

Renumber the remaining sections consecutively and correct any internal references accordingly

Senator Mullet spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mullet and others on page 221, line 2 to Substitute Senate Bill No. 5077.

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

MOTION

Senator Rolfes moved that the following amendment by Senator Rolfes be adopted:

On page 221, beginning on line 14, strike everything beginning with "Flood" through "$2,000,000" on line 16.

On page 278, line 17, strike all of Section 961.

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

Senator Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rolfes on page 221, line 14 to Substitute Senate Bill No. 5077.

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

MOTION

Senator Hasegawa moved that the following amendment by Senator Hasegawa be adopted:

On page 251, after line 33, insert the following:

"**Sec. 943.** RCW 43.86A.060 and 2009 c 385 s 3 and 2009 c 384 s 1 are each reenacted and amended to read as follows:

(1) The state treasurer shall establish a linked deposit program for investment of deposits in qualified public depositaries. As a condition of participating in the program, qualified public depositaries must make qualifying loans as provided in this section. The state treasurer may purchase a certificate of deposit that is equal to the amount of the qualifying loan made by the qualified public depositary or may purchase a certificate of deposit that is equal to the aggregate amount of two or more qualifying loans made by one or more qualified public depositaries.

(2) Qualifying loans made under this section are those:

(a) Having terms that do not exceed ten years;

(b) Where an individual loan does not exceed one million dollars;

(c)(i) That are made to a minority or women's business enterprise that has received state certification under chapter 39.19 RCW;

(ii) That are made to a veteran-owned business that has received state certification under RCW 43.60A.190; or

(iii) That are made to a community development financial institution that is: (A) Certified by the United States department of the treasury pursuant to 12 U.S.C. Sec. 4701 et seq.; and (B) using that loan to make qualifying loans under (c)(i) of this subsection;

(d) Where the interest rate on the loan to the minority or women's business enterprise or veteran-owned business does not exceed an interest rate that is two hundred basis points below the interest rate the qualified public depositary would charge for a loan for a similar purpose and a similar term, except that, if the preference given by the state treasurer to the qualified public depositary under subsection (3) of this section is less than two hundred basis points, the qualified public depositary may reduce the preference given on the loan by an amount that corresponds to the reduction in preference below two hundred basis points given to the qualified public depositary; ((~~and~~))

(e) Where the points or fees charged at loan closing do not exceed one percent of the loan amount; and

draft

(f) Where funds are used for active business pursuits and not for passive investment activities.

(3) In setting interest rates of time certificate of deposits, the state treasurer shall offer rates so that a two hundred basis point preference will be given to the qualified public depositary, except that the treasurer may lower the amount of the preference to ensure that the effective interest rate on the deposit is not less than zero percent.

(4) Upon notification by the state treasurer that a minority or women's business enterprise is no longer certified under chapter 39.19 RCW or that a veteran-owned business is no longer certified under RCW 43.60A.190, the qualified public depositary shall reduce the amount of qualifying loans by the outstanding balance of the loan made under this section to the minority or women's business enterprise or the veteran-owned business, as applicable.

(5) The director of the office of minority and women's business enterprises has the authority to adopt rules to:

(a) Ensure that when making a qualified loan under the linked deposit program, businesses that have never received a loan under the linked deposit program are given first priority;

(b) Limit the total principal loan amount that any one business receives in qualified loans under the linked deposit program over the lifetime of the businesses;

(c) Limit the total principal loan amount that an owner of one or more businesses receives in qualified loans under the linked deposit program during the owner's lifetime;

(d) Limit the total amount of any one qualified loan made under the linked deposit program; ((~~and~~))

(e) Ensure that loans made by community development financial institutions are qualifying loans under subsection (2)(c)(i) of this section;

(f) Ensure that, when making a qualified loan under the linked deposit program, businesses not requesting loans for the purchase or refinancing of real property appraised at a value greater than an amount set by the director are given first priority;

(g) Ensure that, when making a qualified loan under the linked deposit program, businesses not requesting loans for improvements to real property, other than tenant improvements, where the total cost of the improvements is greater than an amount set by the director are given first priority; and

(h) Develop reporting requirements for businesses receiving linked deposit loans, except that the reporting must not require personnel resources exceeding those allocated to the office of minority and women's business enterprises on the effective date of this section.

(6) The director of the office of minority and women's business enterprises shall adopt rules prioritizing loans to minority or women's business enterprises or veteran-owned businesses for applicants that:

(a) Are located in an underserved area of the state;

(b) Demonstrate an ability to create or maintain at least one job opportunity; and

(c) Do not currently have loans with other small business lending agencies.

(7) The director of the office of minority and women's business enterprises shall report to the legislature on December 1, 2016, and annually by December 1st thereafter on the linked deposit program and may provide recommendations on additional rule-making authority for the linked deposit program."

Senator Hasegawa spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa on page 251, after line 33 to Substitute Senate Bill No. 5077.

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

MOTION

Senator Mullet moved that the following amendment by Senator Mullet be adopted:

On page 277, after line 17, strike all material down through page 278, line 16.

Senator Mullet spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mullet on page 277, after line 17 to Substitute Senate Bill No. 5077.

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

MOTION

Senator Baumgartner moved that the following amendment by Senator Baumgartner be adopted:

On page 279, after line 21, insert the following:

"NEW SECTION. **Sec. 963. UNRESTRICTED RESERVES.** The state treasurer shall place in unrestricted reserve in the state general fund an amount equivalent to the $296 million in marijuana-related state revenues under Substitute Senate Bill No. 6062 (concerning marijuana regulation). This unrestricted reserve shall be placed in unallotted status and remain unexpended during the 2015-2017 fiscal biennium."

Senator Baumgartner spoke in favor of adoption of the amendment.

Senator Kohl-Welles spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Baumgartner on page 279, after line 21 to Substitute Senate Bill No. 5077.

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

MOTION

Senator Cleveland moved that the following amendment by Senator Cleveland and others be adopted.

On page 279, after line 21 insert the following:

"NEW SECTION. **Sec. 963.** During the 2015-2017 fiscal biennium, state agencies, their officers, and agents expending funds from the appropriations in this act for contracts with persons must include a provision that the person is prohibited from paying its employees less compensation or providing less favorable employment opportunities based on gender unless there is a bona fide job-related basis. For purposes of this section, person has the same meaning as RCW 82.04.030. This section shall be liberally construed to effectuate its purposes.

Senator Cleveland spoke in favor of adoption of the amendment.

Senator Cleveland demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Cleveland and others on page 279, after line 21 to Substitute Senate Bill No. 5077.

ROLL CALL

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The Secretary called the roll on the adoption of the amendment by Senator Cleveland and others on page 279, after line 21 to Substitute Senate Bill No. 5077and the amendment was not adopted by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Billig, Chase, Cleveland, Conway, Dammeier, Darneille, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Jayapal, Keiser, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker, Roach and Rolfes

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Dansel, Ericksen, Hewitt, Honeyford, King, Miloscia, O'Ban, Padden, Parlette, Pearson, Rivers, Schoesler, Sheldon and Warnick

On motion of Senator Hill, the rules were suspended, Substitute Senate Bill No. 5077 was advanced to third reading, the second reading considered the third and the bill be placed on final passage.

PARLIAMENTARY INQUIRY

Senator Hasegawa: "Would you please clarify what the question is that we're voting on?"

REPLY BY THE PRESIDENT

President Owen: "The motion before the Senate is the motion by Senator Hill that the Substitute Senate Bill No. 5077 be advanced to third reading, the second reading considered the third and the bill be advanced to final passage. That is the motion."

PARLIAMENTARY INQUIRY

Senator Rolfes: "What is he speaking to? Are we not voting on the motion to move this from second to third reading?"

REPLY BY THE PRESIDENT

President Owen: "The President believes that he is speaking to - I believe his reasons why he thinks we should be doing that. Senator Hill, would you please make sure that's what you're doing so I don't look like a fool.""

PARLIAMENTARY INQUIRY

Senator Rolfes: "Is this motion debatable?"

REPLY BY THE PRESIDENT

President Owen: "It is."

Senators Hill, Schoesler and Ericksen spoke in favor of the motion.

Senators Hargrove, Nelson spoke against the motion.

POINT OF ORDER

Senator Pedersen: "Mr. President. I believe the speaker has impugned motives of the minority party."

REPLY BY THE PRESIDENT

President Owen: "The President believes he is correct Senator Erickson. Please make your remarks to the motion to advance the bill to third reading."

Senators Rolfes, Fraser, Chase, Kohl-Welles spoke against the motion.

Senators Fain, Baumgartner, Sheldon, Hill spoke in favor of the motion.

POINT OF ORDER

Senator Hatfield: "The current speaker is speaking to wrap up debate because he has already spoke once on this motion."

REPLY BY THE PRESIDENT

President Owen: "He has that option. Senator Hatfield, he may close debate if in fact you don't feel that's the last debate that doesn't mean you can't speak just because he thought he closed debate."

POINT OF ORDER

Senator Hatfield: "Mr. President. Does mean he's XXX after this."

REPLY BY THE PRESIDENT

President Owen: "That would be correct. He can only speak…"

Senators Ranker and Habib spoke against the motion.

MOTION

Senator Habib demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Habib carried and the previous question was put by voice vote.

The President declared the question before the Senate to be the motion by Senator Hill to advance Substitute Senate Bill No. 5077 to third reading and final passage.

The Secretary called the roll on the motion by Senator Hill to advance Substitute Senate Bill No. 5077 to third reading and final passage and the motion carried by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

MOTION

Senator Fain moved that further consideration of Substitute Senate Bill No. 5077 be deferred and the bill hold its place on the calendar.

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PARLIAMENTARY INQUIRY

Senator Fraser: "I have the impression that when a bill doesn't bump it automatically goes back to the Rules Committee. Could you tell me if that is correct or incorrect?"

REPLY BY THE PRESIDENT

President Owen: "That would be correct unless Senator Fain's motion succeeds then it would stay on the calendar."

PARLIAMENTARY INQUIRY

Senator Fraser: "So, what status does that put in it on the next day? It's still on second reading so the next day I guess would be Saturday and what would its status be?"

REPLY BY THE PRESIDENT

President Owen: "Senator Fraser, it would stay on the calendar and by our rules it would automatically go to third reading. That would be on Saturday."

The motion by Senator Fain to defer further consideration of Substitute Senate Bill No. 5077 carried on a voice vote.

SECOND READING

SENATE BILL NO. 6045, by Senators Becker and Frockt

Extending the hospital safety net assessment.

MOTION

On motion of Senator Becker, Substitute Senate Bill No. 6045 was substituted for Senate Bill No. 6045 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.60.005 and 2013 2nd sp.s. c 17 s 1 are each amended to read as follows:

(1) The purpose of this chapter is to provide for a safety net assessment on certain Washington hospitals, which will be used solely to augment funding from all other sources and thereby support additional payments to hospitals for medicaid services as specified in this chapter.

(2) The legislature finds that federal health care reform will result in an expansion of medicaid enrollment in this state and an increase in federal financial participation. ((~~As a result, the hospital safety net assessment and hospital safety net assessment fund created in this chapter will begin phasing down over a four-year period beginning in fiscal year 2016 as federal medicaid expansion is fully implemented. The state will end its reliance on the assessment and the fund by the end of fiscal year 2019.~~))

(3) In adopting this chapter, it is the intent of the legislature:

(a) To impose a hospital safety net assessment to be used solely for the purposes specified in this chapter;

(b) To generate approximately four hundred ((~~forty-six million three hundred thirty-eight thousand~~)) eighty-nine million dollars per state fiscal year ((~~in fiscal years 2014 and 2015, and then phasing down in equal increments to zero by the end of fiscal year 2019,~~)) in new state and federal funds by disbursing all of that amount to pay for medicaid hospital services and grants to certified public expenditure and critical access hospitals, except costs of administration as specified in this chapter, in the form of additional payments to hospitals and managed care plans, which may not be a substitute for payments from other sources;

(c) To generate ((~~one hundred ninety-nine million eight hundred thousand~~)) two hundred eighty-three million dollars ((~~in the 2013-2015 biennium, phasing down to zero by the end of the 2017-2019 biennium,~~)) per biennium during the 2015-2017 and 2017-2019 biennia in new funds to be used in lieu of state general fund payments for medicaid hospital services;

(d) That the total amount assessed not exceed the amount needed, in combination with all other available funds, to support the payments authorized by this chapter; and

(e) To condition the assessment on receiving federal approval for receipt of additional federal financial participation and on continuation of other funding sufficient to maintain aggregate payment levels to hospitals for inpatient and outpatient services covered by medicaid, including fee-for-service and managed care, at least at the levels the state paid for those services on July 1, ((~~2009~~)) 2015, as adjusted for current enrollment and utilization((~~, but without regard to payment increases resulting from chapter 30, Laws of 2010 1st sp. sess~~)).

Sec. 2. RCW 74.60.020 and 2013 2nd sp.s. c 17 s 3 are each amended to read as follows:

(1) A dedicated fund is hereby established within the state treasury to be known as the hospital safety net assessment fund. The purpose and use of the fund shall be to receive and disburse funds, together with accrued interest, in accordance with this chapter. Moneys in the fund, including interest earned, shall not be used or disbursed for any purposes other than those specified in this chapter. Any amounts expended from the fund that are later recouped by the authority on audit or otherwise shall be returned to the fund.

(a) Any unexpended balance in the fund at the end of a fiscal ((~~biennium~~)) year shall carry over into the following ((~~biennium~~)) fiscal year or that fiscal year and the following fiscal year and shall be applied to reduce the amount of the assessment under RCW 74.60.050(1)(c).

(b) Any amounts remaining in the fund after July 1, 2019, shall be refunded to hospitals, pro rata according to the amount paid by the hospital since July 1, 2013, subject to the limitations of federal law.

(2) All assessments, interest, and penalties collected by the authority under RCW 74.60.030 and 74.60.050 shall be deposited into the fund.

(3) Disbursements from the fund are conditioned upon appropriation and the continued availability of other funds sufficient to maintain aggregate payment levels to hospitals for inpatient and outpatient services covered by medicaid, including fee-for-service and managed care, at least at the levels the state paid for those services on July 1, ((~~2009~~)) 2015, as adjusted for current enrollment and utilization((~~, but without regard to payment increases resulting from chapter 30, Laws of 2010 1st sp. sess~~)).

(4) Disbursements from the fund may be made only:

(a) To make payments to hospitals and managed care plans as specified in this chapter;

(b) To refund erroneous or excessive payments made by hospitals pursuant to this chapter;

(c) For one million dollars per biennium for payment of administrative expenses incurred by the authority in performing the activities authorized by this chapter;

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(d) For ((~~one hundred ninety-nine million eight hundred thousand~~)) two hundred eighty-three million dollars ((~~in the 2013-2015~~)) per biennium, ((~~phasing down to zero by the end of the 2017-2019 biennium~~)) to be used in lieu of state general fund payments for medicaid hospital services, provided that if the full amount of the payments required under RCW 74.60.120 and 74.60.130 cannot be distributed in a given fiscal year, this amount must be reduced proportionately;

(e) To repay the federal government for any excess payments made to hospitals from the fund if the assessments or payment increases set forth in this chapter are deemed out of compliance with federal statutes and regulations in a final determination by a court of competent jurisdiction with all appeals exhausted. In such a case, the authority may require hospitals receiving excess payments to refund the payments in question to the fund. The state in turn shall return funds to the federal government in the same proportion as the original financing. If a hospital is unable to refund payments, the state shall develop either a payment plan, or deduct moneys from future medicaid payments, or both;

(f) Beginning in state fiscal year 2015, to pay an amount sufficient, when combined with the maximum available amount of federal funds necessary to provide a one percent increase in medicaid hospital inpatient rates to hospitals eligible for quality improvement incentives under RCW 74.09.611.

Sec. 3. RCW 74.60.030 and 2014 c 143 s 1 are each amended to read as follows:

(1)(a) Upon satisfaction of the conditions in RCW 74.60.150(1), and so long as the conditions in RCW 74.60.150(2) have not occurred, an assessment is imposed as set forth in this subsection((~~, effective October 1, 2013~~)). ((~~Initial assessment notices must be sent to each hospital not earlier than thirty days after satisfaction of the conditions in RCW 74.60.150(1). Payment is due not sooner than thirty days thereafter. Except for the initial~~)) Assessment((~~,~~)) notices must be sent on or about thirty days prior to the end of each quarter and payment is due thirty days thereafter.

(b) Effective ((~~October 1, 2013~~)) July 1, 2015, and except as provided in RCW 74.60.050:

(i) ((~~For fiscal year 2014, an annual assessment for amounts determined as described in (b)(ii) through (iv) of this subsection is imposed for the time period of October 1, 2013, through June 30, 2014. The initial assessment notice must cover amounts due from October 1, 2013, through either: (A) The end of the calendar quarter prior to the satisfaction of the conditions in RCW 74.60.150(1) if federal approval is received more than forty-five days prior to the end of a quarter; or (B) the end of the calendar quarter after the satisfaction of the conditions in RCW 74.60.150(1) if federal approval is received within forty-five days of the end of a quarter. For subsequent assessments during fiscal year 2014, the authority shall calculate the amount due annually and shall issue assessments for the appropriate proportion of the annual amount due from each hospital;~~

~~(ii) After the assessments described in (b)(i) of this subsection,~~)) Each prospective payment system hospital, except psychiatric and rehabilitation hospitals, shall pay a quarterly assessment. Each quarterly assessment shall be no more than one quarter of three hundred ((~~forty-four~~)) forty-five dollars for each annual nonmedicare hospital inpatient day, up to a maximum of fifty-four thousand days per year. For each nonmedicare hospital inpatient day in excess of fifty-four thousand days, each prospective payment system hospital shall pay an assessment of one quarter of seven dollars for each such day;

((~~(iii) After the assessments described in (b)(i) of this subsection,~~)) (ii) Each critical access hospital shall pay a quarterly assessment of one quarter of ten dollars for each annual nonmedicare hospital inpatient day;

((~~(iv) After the assessments described in (b)(i) of this subsection,~~)) (iii) Each psychiatric hospital shall pay a quarterly assessment of one quarter of ((~~sixty-seven~~)) sixty-eight dollars for each annual nonmedicare hospital inpatient day; and

((~~(v) After the assessments described in (b)(i) of this subsection,~~)) (iv) Each rehabilitation hospital shall pay a quarterly assessment of one quarter of ((~~sixty-seven~~)) sixty-eight dollars for each annual nonmedicare hospital inpatient day.

(2) The authority shall determine each hospital's annual nonmedicare hospital inpatient days by summing the total reported nonmedicare hospital inpatient days for each hospital that is not exempt from the assessment under RCW 74.60.040((~~, taken~~)). The authority shall obtain inpatient data from the hospital's 2552 cost report data file or successor data file available through the centers for medicare and medicaid services, as of a date to be determined by the authority. For state fiscal year ((~~2014~~)) 2016, the authority shall use cost report data for hospitals' fiscal years ending in ((~~2010~~)) 2012. For subsequent years, the hospitals' next succeeding fiscal year cost report data must be used.

(a) With the exception of a prospective payment system hospital commencing operations after January 1, 2009, for any hospital without a cost report for the relevant fiscal year, the authority shall work with the affected hospital to identify appropriate supplemental information that may be used to determine annual nonmedicare hospital inpatient days.

(b) A prospective payment system hospital commencing operations after January 1, 2009, must be assessed in accordance with this section after becoming an eligible new prospective payment system hospital as defined in RCW 74.60.010.

Sec. 4. RCW 74.60.050 and 2013 2nd sp.s. c 17 s 5 are each amended to read as follows:

(1) The authority, in cooperation with the office of financial management, shall develop rules for determining the amount to be assessed to individual hospitals, notifying individual hospitals of the assessed amount, and collecting the amounts due. Such rule making shall specifically include provision for:

(a) Transmittal of notices of assessment by the authority to each hospital informing the hospital of its nonmedicare hospital inpatient days and the assessment amount due and payable;

(b) Interest on delinquent assessments at the rate specified in RCW 82.32.050; and

(c) Adjustment of the assessment amounts in accordance with subsection((~~s~~)) (2) ((~~and (3)~~)) of this section.

(2) For state fiscal year ((~~2015~~)) 2016 and each subsequent state fiscal year, the assessment amounts established under RCW 74.60.030 must be adjusted as follows:

(a) If sufficient other funds, including federal funds, are available to make the payments required under this chapter and fund the state portion of the quality incentive payments under RCW 74.09.611 and 74.60.020(4)(f) without utilizing the full assessment under RCW 74.60.030, the authority shall reduce the amount of the assessment to the minimum levels necessary to support those payments;

(b) If the total amount of inpatient or outpatient supplemental payments under RCW 74.60.120 is in excess of the upper payment limit and the entire excess amount cannot be disbursed by additional payments to managed care organizations under RCW 74.60.130, the authority shall proportionately reduce future assessments on prospective payment hospitals to the level necessary to generate additional payments to hospitals that are consistent with the upper payment limit plus the maximum

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permissible amount of additional payments to managed care organizations under RCW 74.60.130;

(c) If the amount of payments to managed care organizations under RCW 74.60.130 cannot be distributed because of failure to meet federal actuarial soundness or utilization requirements or other federal requirements, the authority shall apply the amount that cannot be distributed to reduce future assessments to the level necessary to generate additional payments to managed care organizations that are consistent with federal actuarial soundness or utilization requirements or other federal requirements;

(d) If required in order to obtain federal matching funds, the maximum number of nonmedicare inpatient days at the higher rate provided under RCW 74.60.030(1)(b)(i) may be adjusted in order to comply with federal requirements;

(e) If the number of nonmedicare inpatient days applied to the rates provided in RCW 74.60.030 will not produce sufficient funds to support the payments required under this chapter and the state portion of the quality incentive payments under RCW 74.09.611 and 74.60.020(4)(f), the assessment rates provided in RCW 74.60.030 may be increased proportionately by category of hospital to amounts no greater than necessary in order to produce the required level of funds needed to make the payments specified in this chapter and the state portion of the quality incentive payments under RCW 74.09.611 and 74.60.020(4)(f); and

(f) Any actual or estimated surplus remaining in the fund at the end of the fiscal year must be applied to reduce the assessment amount for the subsequent fiscal year or that fiscal year and the following year.

(3) ((~~For each fiscal year after June 30, 2015, the assessment amounts established under RCW 74.60.030 must be adjusted as follows:~~

~~(a) In order to support the payments required in this chapter, the assessment amounts must be reduced in approximately equal yearly increments each fiscal year by category of hospital until the assessment amount is zero by July 1, 2019;~~

~~(b) If sufficient other funds, including federal funds, are available to make the payments required under this chapter and fund the state portion of the quality incentive payments under RCW 74.09.611 and 74.60.020(4)(f) without utilizing the full assessment under RCW 74.60.030, the authority shall reduce the amount of the assessment to the minimum levels necessary to support those payments;~~

~~(c) If in any fiscal year the total amount of inpatient or outpatient supplemental payments under RCW 74.60.120 is in excess of the upper payment limit and the entire excess amount cannot be disbursed by additional payments to managed care organizations under RCW 74.60.130, the authority shall proportionately reduce future assessments on prospective payment hospitals to the level necessary to generate additional payments to hospitals that are consistent with the upper payment limit plus the maximum permissible amount of additional payments to managed care organizations under RCW 74.60.130;~~

~~(d) If the amount of payments to managed care organizations under RCW 74.60.130 cannot be distributed because of failure to meet federal actuarial soundness or utilization requirements or other federal requirements, the authority shall apply the amount that cannot be distributed to reduce future assessments to the level necessary to generate additional payments to managed care organizations that are consistent with federal actuarial soundness or utilization requirements or other federal requirements;~~

~~(e) If required in order to obtain federal matching funds, the maximum number of nonmedicare inpatient days at the higher rate provided under RCW 74.60.030(1)(b)(i) may be adjusted in order to comply with federal requirements;~~

~~(f) If the number of nonmedicare inpatient days applied to the rates provided in RCW 74.60.030 will not produce sufficient funds to support the payments required under this chapter and the state portion of the quality incentive payments under RCW 74.09.611 and 74.60.020(4)(f), the assessment rates provided in RCW 74.60.030 may be increased proportionately by category of hospital to amounts no greater than necessary in order to produce the required level of funds needed to make the payments specified in this chapter and the state portion of the quality incentive payments under RCW 74.09.611 and 74.60.020(4)(f); and~~

~~(g) Any actual or estimated surplus remaining in the fund at the end of the fiscal year must be applied to reduce the assessment amount for the subsequent fiscal year.~~

~~(4)~~))(a) Any adjustment to the assessment amounts pursuant to this section, and the data supporting such adjustment, including, but not limited to, relevant data listed in (b) of this subsection, must be submitted to the Washington state hospital association for review and comment at least sixty calendar days prior to implementation of such adjusted assessment amounts. Any review and comment provided by the Washington state hospital association does not limit the ability of the Washington state hospital association or its members to challenge an adjustment or other action by the authority that is not made in accordance with this chapter.

(b) The authority shall provide the following data to the Washington state hospital association sixty days before implementing any revised assessment levels, detailed by fiscal year, beginning with fiscal year 2011 and extending to the most recent fiscal year, except in connection with the initial assessment under this chapter:

(i) The fund balance;

(ii) The amount of assessment paid by each hospital;

(iii) The state share, federal share, and total annual medicaid fee-for-service payments for inpatient hospital services made to each hospital under RCW 74.60.120, and the data used to calculate the payments to individual hospitals under that section;

(iv) The state share, federal share, and total annual medicaid fee-for-service payments for outpatient hospital services made to each hospital under RCW 74.60.120, and the data used to calculate annual payments to individual hospitals under that section;

(v) The annual state share, federal share, and total payments made to each hospital under each of the following programs: Grants to certified public expenditure hospitals under RCW 74.60.090, for critical access hospital payments under RCW 74.60.100; and disproportionate share programs under RCW 74.60.110;

(vi) The data used to calculate annual payments to individual hospitals under (b)(v) of this subsection; and

(vii) The amount of payments made to managed care plans under RCW 74.60.130, including the amount representing additional premium tax, and the data used to calculate those payments.

(c) On a monthly basis, the authority shall provide the Washington state hospital association the amount of payments made to managed care plans under RCW 74.60.130, including the amount representing additional premium tax, and the data used to calculate those payments.

Sec. 5. RCW 74.60.090 and 2013 2nd sp.s. c 17 s 8 are each amended to read as follows:

(1) In each fiscal year commencing upon satisfaction of the applicable conditions in RCW 74.60.150(1), funds must be disbursed from the fund and the authority shall make grants to certified public expenditure hospitals, which shall not be considered payments for hospital services, as follows:

(a) University of Washington medical center: ((~~Three million three hundred thousand dollars per state fiscal year in fiscal years 2014 and 2015, and then reduced in approximately equal~~

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~~increments per fiscal year until the grant amount is zero by July 1,~~)) Four million four hundred fifty-five thousand dollars in each state fiscal year 2016 through 2019;

(b) Harborview medical center: ((~~Seven million six hundred thousand dollars per state fiscal year in fiscal years 2014 and 2015, and then reduced in approximately equal increments per fiscal year until the grant amount is zero by July 1,~~)) Ten million two hundred sixty thousand dollars in each state fiscal year 2016 through 2019;

(c) All other certified public expenditure hospitals: ((~~Four million seven hundred thousand dollars per state fiscal year in fiscal years 2014 and 2015, and then reduced in approximately equal increments per fiscal year until the grant amount is zero by July 1,~~)) Six million three hundred forty-five thousand dollars in each state fiscal year 2016 through 2019. The amount of payments to individual hospitals under this subsection must be determined using a methodology that provides each hospital with a proportional allocation of the group's total amount of medicaid and state children's health insurance program payments determined from claims and encounter data using the same general methodology set forth in RCW 74.60.120 (3) and (4).

(2) Payments must be made quarterly, before the end of each quarter, taking the total disbursement amount and dividing by four to calculate the quarterly amount. ((~~The initial payment, which must include all amounts due from and after July 1, 2013, to the date of the initial payment, must be made within thirty days after satisfaction of the conditions in RCW 74.60.150(1).~~)) The authority shall provide a quarterly report of such payments to the Washington state hospital association.

Sec. 6. RCW 74.60.100 and 2013 2nd sp.s. c 17 s 9 are each amended to read as follows:

In each fiscal year commencing upon satisfaction of the conditions in RCW 74.60.150(1), the authority shall make access payments to critical access hospitals that do not qualify for or receive a small rural disproportionate share hospital payment in a given fiscal year in the total amount of ((~~five hundred twenty~~)) seven hundred two thousand dollars from the fund and to critical access hospitals that receive disproportionate share payments in the total amount of one million three hundred thirty-six thousand dollars. The amount of payments to individual hospitals under this section must be determined using a methodology that provides each hospital with a proportional allocation of the group's total amount of medicaid and state children's health insurance program payments determined from claims and encounter data using the same general methodology set forth in RCW 74.60.120 (3) and (4). Payments must be made after the authority determines a hospital's payments under RCW 74.60.110. These payments shall be in addition to any other amount payable with respect to services provided by critical access hospitals and shall not reduce any other payments to critical access hospitals. The authority shall provide a report of such payments to the Washington state hospital association within thirty days after payments are made.

Sec. 7. RCW 74.60.120 and 2014 c 143 s 2 are each amended to read as follows:

(1) ((~~Beginning~~)) In each state fiscal year ((~~2014~~)), commencing ((~~thirty days after~~)) upon satisfaction of the applicable conditions in RCW 74.60.150(1), ((~~and for the period of state fiscal years 2014 through 2019,~~)) the authority shall make supplemental payments directly to Washington hospitals, separately for inpatient and outpatient fee-for-service medicaid services, as follows:

(a) For inpatient fee-for-service payments for prospective payment hospitals other than psychiatric or rehabilitation hospitals, twenty-nine million ((~~two hundred twenty-five thousand~~)) one hundred sixty-two thousand five hundred dollars per state fiscal year ((~~in fiscal years 2014 and 2015, and then amounts reduced in equal increments per fiscal year until the supplemental payment amount is zero by July 1, 2019, from the fund,~~)) plus federal matching funds;

(b) For outpatient fee-for-service payments for prospective payment hospitals other than psychiatric or rehabilitation hospitals, thirty million dollars per state fiscal year ((~~in fiscal years 2014 and 2015, and then amounts reduced in equal increments per fiscal year until the supplemental payment amount is zero by July 1, 2019, from the fund,~~)) plus federal matching funds;

(c) For inpatient fee-for-service payments for psychiatric hospitals, ((~~six hundred twenty-five thousand~~)) eight hundred seventy-five thousand dollars per state fiscal year ((~~in fiscal years 2014 and 2015, and then amounts reduced in equal increments per fiscal year until the supplemental payment amount is zero by July 1, 2019, from the fund,~~)) plus federal matching funds;

(d) For inpatient fee-for-service payments for rehabilitation hospitals, ((~~one hundred fifty thousand~~)) two hundred twenty-five thousand dollars per state fiscal year ((~~in fiscal years 2014 and 2015, and then amounts reduced in equal increments per fiscal year until the supplemental payment amount is zero by July 1, 2019, from the fund,~~)) plus federal matching funds;

(e) For inpatient fee-for-service payments for border hospitals, two hundred fifty thousand dollars per state fiscal year ((~~in fiscal years 2014 and 2015, and then amounts reduced in equal increments per fiscal year until the supplemental payment amount is zero by July 1, 2019, from the fund,~~)) plus federal matching funds; and

(f) For outpatient fee-for-service payments for border hospitals, two hundred fifty thousand dollars per state fiscal year ((~~in fiscal years 2014 and 2015, and then amounts reduced in equal increments per fiscal year until the supplemental payment amount is zero by July 1, 2019, from the fund,~~)) plus federal matching funds.

(2) If the amount of inpatient or outpatient payments under subsection (1) of this section, when combined with federal matching funds, exceeds the upper payment limit, payments to each category of hospital must be reduced proportionately to a level where the total payment amount is consistent with the upper payment limit. Funds under this chapter unable to be paid to hospitals under this section because of the upper payment limit must be paid to managed care organizations under RCW 74.60.130, subject to the limitations in this chapter.

(3) The amount of such fee-for-service inpatient payments to individual hospitals within each of the categories identified in subsection (1)(a), (c), (d), and (e) of this section must be determined by:

(a) Applying the medicaid fee-for-service rates in effect on July 1, 2009, without regard to the increases required by chapter 30, Laws of 2010 1st sp. sess. to each hospital's inpatient fee-for-services claims and medicaid managed care encounter data for the base year;

(b) Applying the medicaid fee-for-service rates in effect on July 1, 2009, without regard to the increases required by chapter 30, Laws of 2010 1st sp. sess. to all hospitals' inpatient fee-for-services claims and medicaid managed care encounter data for the base year; and

(c) Using the amounts calculated under (a) and (b) of this subsection to determine an individual hospital's percentage of the total amount to be distributed to each category of hospital.

(4) The amount of such fee-for-service outpatient payments to individual hospitals within each of the categories identified in subsection (1)(b) and (f) of this section must be determined by:

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(a) Applying the medicaid fee-for-service rates in effect on July 1, 2009, without regard to the increases required by chapter 30, Laws of 2010 1st sp. sess. to each hospital's outpatient fee-for-services claims and medicaid managed care encounter data for the base year;

(b) Applying the medicaid fee-for-service rates in effect on July 1, 2009, without regard to the increases required by chapter 30, Laws of 2010 1st sp. sess. to all hospitals' outpatient fee-for-services claims and medicaid managed care encounter data for the base year; and

(c) Using the amounts calculated under (a) and (b) of this subsection to determine an individual hospital's percentage of the total amount to be distributed to each category of hospital.

(5) ((~~Thirty days before the initial payments and~~)) Sixty days before the first payment in each subsequent fiscal year, the authority shall provide each hospital and the Washington state hospital association with an explanation of how the amounts due to each hospital under this section were calculated.

(6) Payments must be made in quarterly installments on or about the last day of every quarter. ((~~The initial payment must be made within thirty days after satisfaction of the conditions in RCW 74.60.150(1) and must include all amounts due from July 1, 2013, to either: (a) The end of the calendar quarter prior to when the conditions in RCW 70.60.150(1) M:\Documents\SenateJournal\2015 Journal\Journal2015\LegDay081\74.60.150(1).doc are satisfied if approval is received more than forty-five days prior to the end of a quarter; or (b) the end of the calendar quarter after the satisfaction of the conditions in RCW 74.60.150(1) if approval is received within forty-five days of the end of a quarter.~~))

(7) A prospective payment system hospital commencing operations after January 1, 2009, is eligible to receive payments in accordance with this section after becoming an eligible new prospective payment system hospital as defined in RCW 74.60.010.

(8) Payments under this section are supplemental to all other payments and do not reduce any other payments to hospitals.

Sec. 8. RCW 74.60.130 and 2014 c 143 s 3 are each amended to read as follows:

(1) For state fiscal year ((~~2014~~)) 2016 and for each subsequent fiscal year, commencing within thirty days after satisfaction of the conditions in RCW 74.60.150(1) and subsection ((~~(6)~~)) (5) of this section, ((~~and for the period of state fiscal years 2014 through 2019,~~)) the authority shall increase capitation payments in a manner consistent with federal contracting requirements to managed care organizations by an amount at least equal to the amount available from the fund after deducting disbursements authorized by RCW 74.60.020(4) (c) through (f) and payments required by RCW 74.60.080 through 74.60.120. The capitation payment under this subsection must be no less than one hundred ((~~fifty-three~~)) million ((~~one hundred thirty-one thousand six hundred~~)) dollars per state fiscal year ((~~in fiscal years 2014 and 2015, and then the increased capitation payment amounts are reduced in equal increments per fiscal year until the increased capitation payment amount is zero by July 1, 2019,~~)) plus the maximum available amount of federal matching funds. The initial payment following satisfaction of the conditions in RCW 74.60.150(1) must include all amounts due from July 1, ((~~2013~~)) 2015, to the end of the calendar month during which the conditions in RCW 74.60.150(1) are satisfied. Subsequent payments shall be made monthly.

(2) ((~~In fiscal years 2015, 2016, and 2017, the authority shall use any additional federal matching funds for the increased managed care capitation payments under subsection (1) of this section available from medicaid expansion under the federal patient protection and affordable care act to substitute for assessment funds which otherwise would have been used to pay managed care plans under this section.~~

~~(3)~~)) Payments to individual managed care organizations shall be determined by the authority based on each organization's or network's enrollment relative to the anticipated total enrollment in each program for the fiscal year in question, the anticipated utilization of hospital services by an organization's or network's medicaid enrollees, and such other factors as are reasonable and appropriate to ensure that purposes of this chapter are met.

((~~(4)~~)) (3) If the federal government determines that total payments to managed care organizations under this section exceed what is permitted under applicable medicaid laws and regulations, payments must be reduced to levels that meet such requirements, and the balance remaining must be applied as provided in RCW 74.60.050. Further, in the event a managed care organization is legally obligated to repay amounts distributed to hospitals under this section to the state or federal government, a managed care organization may recoup the amount it is obligated to repay under the medicaid program from individual hospitals by not more than the amount of overpayment each hospital received from that managed care organization.

((~~(5)~~)) (4) Payments under this section do not reduce the amounts that otherwise would be paid to managed care organizations: PROVIDED, That such payments are consistent with actuarial soundness certification and enrollment.

((~~(6)~~)) (5) Before making such payments, the authority shall require medicaid managed care organizations to comply with the following requirements:

(a) All payments to managed care organizations under this chapter must be expended for hospital services provided by Washington hospitals, which for purposes of this section includes psychiatric and rehabilitation hospitals, in a manner consistent with the purposes and provisions of this chapter, and must be equal to all increased capitation payments under this section received by the organization or network, consistent with actuarial certification and enrollment, less an allowance for any estimated premium taxes the organization is required to pay under Title 48 RCW associated with the payments under this chapter;

(b) Managed care organizations shall expend the increased capitation payments under this section in a manner consistent with the purposes of this chapter, with the initial expenditures to hospitals to be made within thirty days of receipt of payment from the authority. Subsequent expenditures by the managed care plans are to be made before the end of the quarter in which funds are received from the authority;

(c) Providing that any delegation or attempted delegation of an organization's or network's obligations under agreements with the authority do not relieve the organization or network of its obligations under this section and related contract provisions.

((~~(7)~~)) (6) No hospital or managed care organizations may use the payments under this section to gain advantage in negotiations.

((~~(8)~~)) (7) No hospital has a claim or cause of action against a managed care organization for monetary compensation based on the amount of payments under subsection ((~~(6)~~)) (5) of this section.

((~~(9)~~)) (8) If funds cannot be used to pay for services in accordance with this chapter the managed care organization or network must return the funds to the authority which shall return them to the hospital safety net assessment fund.

Sec. 9. RCW 74.60.150 and 2013 2nd sp.s. c 17 s 15 are each amended to read as follows:

(1) The assessment, collection, and disbursement of funds under this chapter shall be conditional upon:

(a) Final approval by the centers for medicare and medicaid services of any state plan amendments or waiver requests that are

necessary in order to implement the applicable sections of this chapter including, if necessary, waiver of the broad-based or uniformity requirements as specified under section 1903(w)(3)(E) of the federal social security act and 42 C.F.R. 433.68(e);

(b) To the extent necessary, amendment of contracts between the authority and managed care organizations in order to implement this chapter; and

(c) Certification by the office of financial management that appropriations have been adopted that fully support the rates established in this chapter for the upcoming fiscal year.

(2) This chapter does not take effect or ceases to be imposed, and any moneys remaining in the fund shall be refunded to hospitals in proportion to the amounts paid by such hospitals, if and to the extent that any of the following conditions occur:

(a) The federal department of health and human services and a court of competent jurisdiction makes a final determination, with all appeals exhausted, that any element of this chapter, other than RCW 74.60.100, cannot be validly implemented;

(b) Funds generated by the assessment for payments to prospective payment hospitals or managed care organizations are determined to be not eligible for federal match;

(c) Other funding sufficient to maintain aggregate payment levels to hospitals for inpatient and outpatient services covered by medicaid, including fee-for-service and managed care, at least at the levels the state paid for those services on July 1, ((~~2009~~)) 2015, as adjusted for current enrollment and utilization((~~, but without regard to payment increases resulting from chapter 30, Laws of 2010 1st sp. sess.,~~)) is not appropriated or available;

(d) Payments required by this chapter are reduced, except as specifically authorized in this chapter, or payments are not made in substantial compliance with the time frames set forth in this chapter; or

(e) The fund is used as a substitute for or to supplant other funds, except as authorized by RCW 74.60.020.

Sec. 10. RCW 74.60.160 and 2013 2nd sp.s. c 17 s 17 are each amended to read as follows:

(1) The legislature intends to provide the hospitals with an opportunity to contract with the authority each fiscal biennium to protect the hospitals from future legislative action during the biennium that could result in hospitals receiving less from supplemental payments, increased managed care payments, disproportionate share hospital payments, or access payments than the hospitals expected to receive in return for the assessment based on the biennial appropriations and assessment legislation.

(2) Each odd-numbered year after enactment of the biennial omnibus operating appropriations act, the authority shall offer to enter into a contract or to extend an existing contract for the period of the fiscal biennium beginning July 1st with a hospital that is required to pay the assessment under this chapter. The contract must include the following terms:

(a) The authority must agree not to do any of the following:

(i) Increase the assessment from the level set by the authority pursuant to this chapter on the first day of the contract period for reasons other than those allowed under RCW 74.60.050((~~(3)~~)) (2)(e);

(ii) Reduce aggregate payment levels to hospitals for inpatient and outpatient services covered by medicaid, including fee-for-service and managed care, ((~~allowing for variations due to budget-neutral rebasing and~~)) adjusting for changes in enrollment and utilization, from the levels the state paid for those services on the first day of the contract period;

(iii) For critical access hospitals only, reduce the levels of disproportionate share hospital payments under RCW 74.60.110 or access payments under RCW 74.60.100 for all critical access hospitals below the levels specified in those sections on the first day of the contract period;

(iv) For prospective payment system, psychiatric, and rehabilitation hospitals only, reduce the levels of supplemental payments under RCW 74.60.120 for all prospective payment system hospitals below the levels specified in that section on the first day of the contract period unless the supplemental payments are reduced under RCW 74.60.120(2);

(v) For prospective payment system, psychiatric, and rehabilitation hospitals only, reduce the increased capitation payments to managed care organizations under RCW 74.60.130 below the levels specified in that section on the first day of the contract period unless the managed care payments are reduced under RCW 74.60.130((~~(4)~~)) (3); or

(vi) Except as specified in this chapter, use assessment revenues for any other purpose than to secure federal medicaid matching funds to support payments to hospitals for medicaid services; and

(b) As long as payment levels are maintained as required under this chapter, the hospital must agree not to challenge the authority's reduction of hospital reimbursement rates to July 1, 2009, levels, which results from the elimination of assessment supported rate restorations and increases, under 42 U.S.C. Sec. 1396a(a)(30)(a) either through administrative appeals or in court during the period of the contract.

(3) If a court finds that the authority has breached an agreement with a hospital under subsection (2)(a) of this section, the authority:

(a) Must immediately refund any assessment payments made subsequent to the breach by that hospital upon receipt; and

(b) May discontinue supplemental payments, increased managed care payments, disproportionate share hospital payments, and access payments made subsequent to the breach for the hospital that are required under this chapter.

(4) The remedies provided in this section are not exclusive of any other remedies and rights that may be available to the hospital whether provided in this chapter or otherwise in law, equity, or statute.

Sec. 11. RCW 74.60.901 and 2013 2nd sp.s. c 17 s 19 are each amended to read as follows:

This chapter expires July 1, ((~~2017~~)) 2019.

NEW SECTION. **Sec. 12.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators Keiser, Hargrove and Frockt spoke in favor of adoption of the striking amendment.

Senator Becker spoke against adoption of the striking amendment.

The President declared the question before the Senate the adoption of the striking amendment by Senators Keiser and Frockt to Substitute Senate Bill No. 6045.

The Secretary called the roll on the striking amendment by Senators Keiser and Frockt to Substitute Senate Bill No. 6045 and the striking amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

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

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Honeyford, King, Litzow, Miloscia, O'Ban, Padden,

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Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Warnick

MOTION

On motion of Senator Becker, the rules were suspended, Substitute Senate Bill No. 6045 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Becker 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. 6045.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6045 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 6045, 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. 5681, by Senators Hill and Angel

Concerning state lottery accounts.

MOTIONS

On motion of Senator Fain, Substitute Senate Bill No. 5681 was substituted for Senate Bill No. 5681 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hill, the rules were suspended, Substitute Senate Bill No. 5681 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and Hargrove 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. 5681.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5681 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

SUBSTITUTE SENATE BILL NO. 5681, 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. 5315, by Senators Roach, Liias, McCoy, Pearson and Benton

Aligning functions of the consolidated technology services agency, office of the chief information officer, and department of enterprise services. Revised for 2nd Substitute: Aligning functions of the consolidated technology services agency, office of the chief information officer, office of financial management, and department of enterprise services.

MOTIONS

On motion of Senator Hill, Second Substitute Senate Bill No. 5315 was substituted for Senate Bill No. 5315 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Hill, the rules were suspended, Second Substitute Senate Bill No. 5315 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill, Hargrove and Roach 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. 5315.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5315 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

SECOND SUBSTITUTE SENATE BILL NO. 5315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6088, by Senator Braun

Making K-12 education enhancements.

MOTION

On motion of Senator Braun, Substitute Senate Bill No. 6088 was substituted for Senate Bill No. 6088 and the substitute bill was placed on the second reading and read the second time.

MOTION

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Senator Hobbs moved that the following amendment by Senators Hobbs and Hargrove be adopted:

On page 11, after line 31, insert the following:

"**Sec. 4.** RCW 82.08.020 and 2014 c 140 s 12 are each amended to read as follows:

(1) There is levied and collected a tax equal to ((~~six and five-tenths~~)) seven percent of the selling price on each retail sale in this state of:

(a) Tangible personal property, unless the sale is specifically excluded from the RCW 82.04.050 definition of retail sale;

(b) Digital goods, digital codes, and digital automated services, if the sale is included within the RCW 82.04.050 definition of retail sale;

(c) Services, other than digital automated services, included within the RCW 82.04.050 definition of retail sale;

(d) Extended warranties to consumers; and

(e) Anything else, the sale of which is included within the RCW 82.04.050 definition of retail sale.

(2) There is levied and collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection must be deposited in the multimodal transportation account created in RCW 47.66.070.

(3) Beginning July 1, 2003, there is levied and collected an additional tax of three-tenths of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section. The revenue collected under this subsection must be deposited in the multimodal transportation account created in RCW 47.66.070.

(4) For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include:

(a) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, unless the farm tractor or farm vehicle is for use in the production of marijuana;

(b) Off-road vehicles as defined in RCW 46.04.365;

(c) Nonhighway vehicles as defined in RCW 46.09.310; and

(d) Snowmobiles as defined in RCW 46.04.546.

(5) Beginning on December 8, 2005, 0.16 percent of the taxes collected under subsection (1) of this section must be dedicated to funding comprehensive performance audits required under RCW 43.09.470. The revenue identified in this subsection must be deposited in the performance audits of government account created in RCW 43.09.475.

(6) The taxes imposed under this chapter apply to successive retail sales of the same property.

(7) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020."

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

On page 1, line 2 of the title, after "28A.150.261" insert "and 82.08.020"

PARLIAMENTARY INQUIRY

Senator Frockt: "Mr. President. If the point of inquiry is not timely at this time I would renew it when becomes timely the question is Mr. President, the provisions of the bill are repealing the majority of Initiative 1351 that reduced class size initiative passed by the voters last November. The point of inquiry is, how many votes are necessary to pass the bill once the amendment process is taken place?"

REPLY BY THE PRESIDENT

President Owen: "Senator Frockt, your point of order is a little premature. It would be taken up on final passage if you're asking for the number of votes necessary to pass the bill."

Senator Hobbs spoke in favor of adoption of the amendment.

Senators Braun and Hargrove spoke against adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Hobbs, the amendment by Senators Hobbs and Hargrove on page 11, line 31 to Substitute Senate Bill No. 6088 was withdrawn.

POINT OF ORDER

Senator Liias: "Mr. President. Under Concurrent Resolution 8400 which establishes cut-off dates, the last day to consider Senate Bills was March 11. There's specific lists of exemptions to this rule for budgets, matters to implement a budget, initiatives to the Legislature, alternatives to initiatives to the Legislature or bills related to revenue. Senate Bill No. 6088 has nothing to do with revenue and it is not an initiative to the Legislature or an alternative to the Legislature. Senate Bill No. 6088 would effectively repeal imitative 1351 which established lower class sizes and a basic ed funding requirement for this biennium. However, in order to avoid a two-thirds vote requirement the bill contains a referendum clause so the legislature is not actually repealing this initiative under the bill the legislature would be asking the people to repeal the class size…"

RULING BY THE PRESIDENT

President Owen: "Senator Liias, you're making a point, your actually making an argument. Your point of order is what?"

POINT OF ORDER

Senator Liias: "My point of order is, I'm sorry Mr. President, and it's late so I'm relying on my notes. My point of order is it does not comply with our senate cut-off resolution and the bill is not properly before use because it is not one of those exceptions."

MOTION

On motion of Senator Braun, the rules be suspended, Substitute Senate Bill No. 6088 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Senator Braun spoke in favor of passage of the bill.

MOTION

On motion of Senator Fain, further consideration of Substitute Senate Bill No. 6088 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5105, by Senators Padden, Frockt, O'Ban, Fain, Fraser, Pearson, Roach and Darneille

Making a fourth driving under the influence offense a felony.

Draft

MOTIONS

On motion of Senator Padden, Second Substitute Senate Bill No. 5105 was substituted for Senate Bill No. 5105 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Second Substitute Senate Bill No. 5105 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden, Frockt, Roach and Hargrove 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. 5105.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5105 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

SECOND SUBSTITUTE SENATE BILL NO. 5105, 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.

PERSONAL PRIVILEGE

Senator McAuliffe: "It is 3:15 in the morning, I rise because I object to the process before us of bringing bills out at 3:15 in the morning and I will tell you the people's business should not be done at 3:15 in the morning. That's the first reason. It is 3:15 in the morning and we are doing the people's business in the dark and that's not appropriate and secondly we have staff here that need to go home. This is not respectful to this institution and it's not respectful for the people that are waiting to go home this evening. So I ask and request that you save this very important bills for the next day."

PERSONAL PRIVILEGE

Senator Ranker: "I appreciate the sentiments of the previous speaker. I would say that both sides of this chamber contributed to us being here this evening and we have defiantly helped on our side to the hour at which we are working and I think it's important we continue the body's business at the time we are."

SECOND READING

HOUSE BILL NO. 1652, by Representatives Cody and Harris

Concerning medicaid managed health care system payments for health care services provided by nonparticipating providers.

The measure was read the second time.

MOTION

Senator Dammeier moved that the following committee striking amendment by the Committee on Health Care be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 5.** RCW 74.09.522 and 2014 c 225 s 55 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under this chapter and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(b) "Nonparticipating provider" means a person, health care provider, practitioner, facility, or entity, acting within their scope of practice, that does not have a written contract to participate in a managed health care system's provider network, but provides health care services to enrollees of programs authorized under this chapter whose health care services are provided by the managed health care system.

(2) The authority shall enter into agreements with managed health care systems to provide health care services to recipients of temporary assistance for needy families under the following conditions:

(a) Agreements shall be made for at least thirty thousand recipients statewide;

(b) Agreements in at least one county shall include enrollment of all recipients of temporary assistance for needy families;

(c) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act, recipients shall have a choice of systems in which to enroll and shall have the right to terminate their enrollment in a system: PROVIDED, That the authority may limit recipient termination of enrollment without cause to the first month of a period of enrollment, which period shall not exceed twelve months: AND PROVIDED FURTHER, That the authority shall not restrict a recipient's right to terminate enrollment in a system for good cause as established by the authority by rule;

(d) To the extent that this provision is consistent with section 1903(m) of Title XIX of the federal social security act, participating managed health care systems shall not enroll a disproportionate number of medical assistance recipients within the total numbers of persons served by the managed health care systems, except as authorized by the authority under federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(e)(i) In negotiating with managed health care systems the authority shall adopt a uniform procedure to enter into contractual arrangements, to be included in contracts issued or renewed on or after January 1, 2015, including:

(A) Standards regarding the quality of services to be provided;

(B) The financial integrity of the responding system;

(C) Provider reimbursement methods that incentivize chronic care management within health homes, including comprehensive medication management services for patients

with multiple chronic conditions consistent with the findings and goals established in RCW 74.09.5223;

(D) Provider reimbursement methods that reward health homes that, by using chronic care management, reduce emergency department and inpatient use;

(E) Promoting provider participation in the program of training and technical assistance regarding care of people with chronic conditions described in RCW 43.70.533, including allocation of funds to support provider participation in the training, unless the managed care system is an integrated health delivery system that has programs in place for chronic care management;

(F) Provider reimbursement methods within the medical billing processes that incentivize pharmacists or other qualified providers licensed in Washington state to provide comprehensive medication management services consistent with the findings and goals established in RCW 74.09.5223;

(G) Evaluation and reporting on the impact of comprehensive medication management services on patient clinical outcomes and total health care costs, including reductions in emergency department utilization, hospitalization, and drug costs; and

(H) Established consistent processes to incentivize integration of behavioral health services in the primary care setting, promoting care that is integrated, collaborative, colocated, and preventive.

(ii)(A) Health home services contracted for under this subsection may be prioritized to enrollees with complex, high cost, or multiple chronic conditions.

(B) Contracts that include the items in (e)(i)(C) through (G) of this subsection must not exceed the rates that would be paid in the absence of these provisions;

(f) The authority shall seek waivers from federal requirements as necessary to implement this chapter;

(g) The authority shall, wherever possible, enter into prepaid capitation contracts that include inpatient care. However, if this is not possible or feasible, the authority may enter into prepaid capitation contracts that do not include inpatient care;

(h) The authority shall define those circumstances under which a managed health care system is responsible for out-of-plan services and assure that recipients shall not be charged for such services;

(i) Nothing in this section prevents the authority from entering into similar agreements for other groups of people eligible to receive services under this chapter; and

(j) The authority must consult with the federal center for medicare and medicaid innovation and seek funding opportunities to support health homes.

(3) The authority shall ensure that publicly supported community health centers and providers in rural areas, who show serious intent and apparent capability to participate as managed health care systems are seriously considered as contractors. The authority shall coordinate its managed care activities with activities under chapter 70.47 RCW.

(4) The authority shall work jointly with the state of Oregon and other states in this geographical region in order to develop recommendations to be presented to the appropriate federal agencies and the United States congress for improving health care of the poor, while controlling related costs.

(5) The legislature finds that competition in the managed health care marketplace is enhanced, in the long term, by the existence of a large number of managed health care system options for medicaid clients. In a managed care delivery system, whose goal is to focus on prevention, primary care, and improved enrollee health status, continuity in care relationships is of substantial importance, and disruption to clients and health care providers should be minimized. To help ensure these goals are met, the following principles shall guide the authority in its healthy options managed health care purchasing efforts:

(a) All managed health care systems should have an opportunity to contract with the authority to the extent that minimum contracting requirements defined by the authority are met, at payment rates that enable the authority to operate as far below appropriated spending levels as possible, consistent with the principles established in this section.

(b) Managed health care systems should compete for the award of contracts and assignment of medicaid beneficiaries who do not voluntarily select a contracting system, based upon:

(i) Demonstrated commitment to or experience in serving low-income populations;

(ii) Quality of services provided to enrollees;

(iii) Accessibility, including appropriate utilization, of services offered to enrollees;

(iv) Demonstrated capability to perform contracted services, including ability to supply an adequate provider network;

(v) Payment rates; and

(vi) The ability to meet other specifically defined contract requirements established by the authority, including consideration of past and current performance and participation in other state or federal health programs as a contractor.

(c) Consideration should be given to using multiple year contracting periods.

(d) Quality, accessibility, and demonstrated commitment to serving low-income populations shall be given significant weight in the contracting, evaluation, and assignment process.

(e) All contractors that are regulated health carriers must meet state minimum net worth requirements as defined in applicable state laws. The authority shall adopt rules establishing the minimum net worth requirements for contractors that are not regulated health carriers. This subsection does not limit the authority of the Washington state health care authority to take action under a contract upon finding that a contractor's financial status seriously jeopardizes the contractor's ability to meet its contract obligations.

(f) Procedures for resolution of disputes between the authority and contract bidders or the authority and contracting carriers related to the award of, or failure to award, a managed care contract must be clearly set out in the procurement document.

(6) The authority may apply the principles set forth in subsection (5) of this section to its managed health care purchasing efforts on behalf of clients receiving supplemental security income benefits to the extent appropriate.

(7) By April 1, 2016, any contract with a managed health care system to provide services to medical assistance enrollees shall require that managed health care systems offer contracts to behavioral health organizations, mental health providers, or chemical dependency treatment providers to provide access to primary care services integrated into behavioral health clinical settings, for individuals with behavioral health and medical comorbidities.

(8) Managed health care system contracts effective on or after April 1, 2016, shall serve geographic areas that correspond to the regional service areas established in RCW 43.20A.893.

(9) A managed health care system shall pay a nonparticipating provider that provides a service covered under this chapter to the system's enrollee no more than the lowest amount paid for that service under the managed health care system's contracts with similar providers in the state <u>if the</u>

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managed health care system has made good faith efforts to contract with the nonparticipating provider.

(10) For services covered under this chapter to medical assistance or medical care services enrollees and provided on or after August 24, 2011, nonparticipating providers must accept as payment in full the amount paid by the managed health care system under subsection (((~~(7)~~))) (9) of this section in addition to any deductible, coinsurance, or copayment that is due from the enrollee for the service provided. An enrollee is not liable to any nonparticipating provider for covered services, except for amounts due for any deductible, coinsurance, or copayment under the terms and conditions set forth in the managed health care system contract to provide services under this section.

(11) Pursuant to federal managed care access standards, 42 C.F.R. Sec. 438, managed health care systems must maintain a network of appropriate providers that is supported by written agreements sufficient to provide adequate access to all services covered under the contract with the authority, including hospital-based physician services. The authority will monitor and periodically report on the proportion of services provided by contracted providers and nonparticipating providers, by county, for each managed health care system to ensure that managed health care systems are meeting network adequacy requirements. No later than January 1st of each year, the authority will review and report its findings to the appropriate policy and fiscal committees of the legislature for the preceding state fiscal year.

(12) Payments under RCW 74.60.130 are exempt from this section.

(13) Subsections (9) through (11) of this section expire July 1, ((~~2016~~)) 2021."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health Care to House Bill No. 1652.

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

MOTION

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

On page 1, line 2 of the title, after "providers;" strike the remainder of the title and insert "and amending RCW 74.09.522."

MOTION

On motion of Senator Dammeier, the rules were suspended, House Bill No. 1652 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Nelson, Senator McAuliffe was excused.

Senators Dammeier and Frockt spoke in favor of passage of the bill as amended by the Senate.

The President declared the question before the Senate to be the final passage of House Bill No. 1652.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1652 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senator Chase

HOUSE BILL NO. 1652 as amended by the Senate, 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. 6062, by Senator Hill

Relating to marijuana. Revised for 1st Substitute: Concerning marijuana regulations.

MOTION

On motion of Senator Hill, Substitute Senate Bill No. 6062 was substituted for Senate Bill No. 6062 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Nelson, Senator Chase was excused.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles be adopted:

Beginning on page 2, line 20, after "distributed" strike all material through "action" on page 3, line 4 and insert "to the dedicated marijuana fund"

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

Beginning on page 6, line 21, strike all of sections 3 and 4 and insert the following:

"**Sec. 3.** RCW 69.50.540 and 2013 c 3 s 28 are each amended to read as follows:

All marijuana excise taxes collected from sales of marijuana, useable marijuana, and marijuana-infused products under RCW 69.50.535, and the license fees, penalties, and forfeitures derived under chapter 3, Laws of 2013 from marijuana producer, marijuana processor, and marijuana retailer licenses ((~~shall~~)) must every three months be disbursed by the state liquor control board as follows:

(1) One hundred twenty-five thousand dollars to the department of social and health services to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and state liquor control board. The survey ((~~shall~~)) must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance

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use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(2) Fifty thousand dollars to the department of social and health services for the purpose of contracting with the Washington state institute for public policy to conduct the cost-benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation ((~~shall~~)) ends after production of the final report required by RCW 69.50.550;

(3) Five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(4) An amount not exceeding one million two hundred fifty thousand dollars to the state liquor control board as is necessary for administration of chapter 3, Laws of 2013;

(5) One million seven hundred fifty thousand dollars to the department of social and health services for mental health programs;

(6) Of the funds remaining after the disbursements identified in subsections (1) through ((~~(4)~~)) (5) of this section:

(a) Fifteen percent to the department of social and health services division of behavioral health and recovery for implementation and maintenance of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance-use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation; PROVIDED, That:

(i) Of the funds disbursed under (a) of this subsection, at least eighty-five percent must be directed to evidence-based and cost-beneficial programs and practices that produce objectively measurable results; and

(ii) Up to fifteen percent of the funds disbursed under (a) of this subsection may be directed to research-based and emerging best practices or promising practices.

In deciding which programs and practices to fund, the secretary of the department of social and health services shall consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute;

(b) Ten percent to the department of health for the creation, implementation, operation, and management of a marijuana education and public health program that contains the following:

(i) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(ii) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and

(iii) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(c) Six-tenths of one percent to the University of Washington and four-tenths of one percent to Washington State University for research on the short and long-term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research;

(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(f) Three-tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW; and

(g) The remainder to the general fund."

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

On page 9, beginning on line 24, strike all of section 7

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

On page 1, line 1 of the title, after "69.50.535," strike the remainder of the title and insert "69.50.540, and 66.08.012; adding new sections to chapter 69.50 RCW; providing an effective date; and declaring an emergency."

WITHDRAWAL OF AMENDMENT

On motion of Senator Kohl-Welles, the amendment by Senator Kohl-Welles on page 2, line 20 to Substitute Senate Bill No. 6062 was withdrawn.

MOTION

Senator McCoy moved that the following amendment by Senator McCoy be adopted:

On page 2, after line 20, insert the following:

"(a) Three million six hundred eighty-four thousand dollars to the department of social and health services for community mental health treatment;"

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

Senator McCoy spoke in favor of adoption of the amendment.

Senator Hill spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McCoy on page 2, after line 20 to Substitute Senate Bill No. 6062.

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

MOTION

Senator Conway moved that the following amendment by Senator Conway be adopted:

On page 2, line 21, strike "Eleven" and insert "Five"

On page 2, line 22, after "fund" insert "for the liquor and cannabis board;

(b) Ten percent to the general fund for counties, cities, and towns"

On page 2, line 24, strike "six million dollars of"

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

Senators Conway, Mullet and Fraser spoke in favor of adoption of the amendment.

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Senator Hill spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Conway on page 2, line 21 to Substitute Senate Bill No. 6062.

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

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Jayapal be adopted:

On page 2, line 22, after "fund;" insert "(b) Five percent of the remaining funds after (2)(a) to the Washington state health care authority to be expended exclusively through contracts with the community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;"

Renumber the remaining sections consecutively and correct any internal references accordingly

Senator Keiser spoke in favor of adoption of the amendment.

Senator Hill spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Jayapal on page 2, line 22 to Substitute Senate Bill No. 6062.

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

MOTION

Senator Ericksen moved that the following amendment by Senators Ericksen and Padden be adopted:

On page 2, line 38, after "counties;" insert "and"

Beginning on page 2, line 39, after "cities" strike all material through "action" on page 3, line 4

Senator Ericksen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Ericksen and Padden on page 2, line 38 to Substitute Senate Bill No. 6062.

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

MOTION

Senator O'Ban moved that the following amendment by Senator O'Ban be adopted:

On page 9, after line 32, insert:

"**Sec. 8.** RCW 69.50.331 and 2013 c 3 s 6 are each amended to read as follows:

(1) For the purpose of considering any application for a license to produce, process, or sell marijuana, or for the renewal of a license to produce, process, or sell marijuana, the state liquor control board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension, revocation, or renewal or denial thereof, of any license, the state liquor control board may consider any prior criminal conduct of the applicant including an administrative violation history record with the state liquor control board and a criminal history record information check. The state liquor control board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The state liquor control board shall require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to these cases. Subject to the provisions of this section, the state liquor control board may, in its discretion, grant or deny the renewal or license applied for. Denial may be based on, without limitation, the existence of chronic illegal activity documented in objections submitted pursuant to subsections (7)(c) and (9) of this section. Authority to approve an uncontested or unopposed license may be granted by the state liquor control board to any staff member the board designates in writing. Conditions for granting this authority shall be adopted by rule. No license of any kind may be issued to:

(a) A person under the age of twenty-one years;

(b) A person doing business as a sole proprietor who has not lawfully resided in the state for at least three months prior to applying to receive a license;

(c) A partnership, employee cooperative, association, nonprofit corporation, or corporation unless formed under the laws of this state, and unless all of the members thereof are qualified to obtain a license as provided in this section; or

(d) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee.

(2)(a) The state liquor control board may, in its discretion, subject to the provisions of RCW 69.50.334, suspend or cancel any license; and all protections of the licensee from criminal or civil sanctions under state law for producing, processing, or selling marijuana, useable marijuana, or marijuana-infused products thereunder shall be suspended or terminated, as the case may be.

(b) The state liquor control board shall immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the state liquor control board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

(c) The state liquor control board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under rules and regulations the state liquor control board may adopt.

(d) Witnesses shall be allowed fees and mileage each way to and from any inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.05.446. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

(e) In case of disobedience of any person to comply with the order of the state liquor control board or a subpoena issued by the state liquor control board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the

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board or administrative law judge, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(3) Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the state liquor control board. Where the license has been suspended only, the state liquor control board shall return the license to the licensee at the expiration or termination of the period of suspension. The state liquor control board shall notify all other licensees in the county where the subject licensee has its premises of the suspension or cancellation of the license; and no other licensee or employee of another licensee may allow or cause any marijuana, useable marijuana, or marijuana-infused products to be delivered to or for any person at the premises of the subject licensee.

(4) Every license issued under chapter 3, Laws of 2013 shall be subject to all conditions and restrictions imposed by chapter 3, Laws of 2013 or by rules adopted by the state liquor control board to implement and enforce chapter 3, Laws of 2013. All conditions and restrictions imposed by the state liquor control board in the issuance of an individual license shall be listed on the face of the individual license along with the trade name, address, and expiration date.

(5) Every licensee shall post and keep posted its license, or licenses, in a conspicuous place on the premises.

(6) No licensee shall employ any person under the age of twenty-one years.

(7)(a) Before the state liquor control board issues a new or renewed license to an applicant it shall give notice of the application to the chief executive officer of the incorporated city or town, if the application is for a license within an incorporated city or town, or to the county legislative authority, if the application is for a license outside the boundaries of incorporated cities or towns.

(b) The incorporated city or town through the official or employee selected by it, or the county legislative authority or the official or employee selected by it, shall have the right to file with the state liquor control board within twenty days after the date of transmittal of the notice for applications, or at least thirty days prior to the expiration date for renewals, written objections against the applicant or against the premises for which the new or renewed license is asked. The state liquor control board may extend the time period for submitting written objections.

(c) The written objections shall include a statement of all facts upon which the objections are based, and in case written objections are filed, the city or town or county legislative authority may request, and the state liquor control board may in its discretion hold, a hearing subject to the applicable provisions of Title 34 RCW. If the state liquor control board makes an initial decision to deny a license or renewal based on the written objections of an incorporated city or town or county legislative authority, the applicant may request a hearing subject to the applicable provisions of Title 34 RCW. If a hearing is held at the request of the applicant, state liquor control board representatives shall present and defend the state liquor control board's initial decision to deny a license or renewal.

(d) Upon the granting of a license under this title the state liquor control board shall send written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns.

(8) The state liquor control board shall not issue a license for any premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, licensed chemical dependency program, church, public park, public transit center, ((~~or~~)) library, or other location where children regularly congregate, or any game arcade admission to which is not restricted to persons aged twenty-one years or older. For the purpose of this subsection, "church" means a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith.

(9) In determining whether to grant or deny a license or renewal of any license, the state liquor control board shall give substantial weight to objections from an incorporated city or town or county legislative authority based upon chronic illegal activity associated with the applicant's operations of the premises proposed to be licensed or the applicant's operation of any other licensed premises, or the conduct of the applicant's patrons inside or outside the licensed premises. "Chronic illegal activity" means (a) a pervasive pattern of activity that threatens the public health, safety, and welfare of the city, town, or county including, but not limited to, open container violations, assaults, disturbances, disorderly conduct, or other criminal law violations, or as documented in crime statistics, police reports, emergency medical response data, calls for service, field data, or similar records of a law enforcement agency for the city, town, county, or any other municipal corporation or any state agency; or (b) an unreasonably high number of citations for violations of RCW 46.61.502 associated with the applicant's or licensee's operation of any licensed premises as indicated by the reported statements given to law enforcement upon arrest.

NEW SECTION. **Sec. 9.** Section 8 of this act applies prospectively to new licenses issued on or after the effective date of this section. Section 8 of this act is also intended to be applied to the renewal of existing licenses issued under this chapter and no existing license may be renewed for locations that are in violation of the provisions of this act.

NEW SECTION. **Sec. 10.** 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."

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

On page 9, line 33, strike "This act is" and insert "Sections one through 7 of this act are"

WITHDRAWAL OF AMENDMENT

On motion of Senator O'Ban, the amendment by Senator O'Ban on page 9, line 32 to Substitute Senate Bill No. 6062 was withdrawn.

MOTION

On motion of Senator Hill, the rules were suspended, Engrossed Substitute Senate Bill No. 6062 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hill spoke in favor of passage of the bill.

Senators Hargrove, Kohl-Welles Hatfield spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6062.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6062 and the bill passed the Senate by the following vote: .Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

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

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

Excused: Senator Chase

ENGROSSED SUBSTITUTE SENATE BILL NO. 6062, 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. 6089, by Senator Hill

Concerning health benefit exchange sustainability.

The measure was read the second time.

MOTION

Senator Becker moved that the following striking amendment by Senators Becker and Hill be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.71.010 and 2013 2nd sp.s. c 6 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. Terms and phrases used in this chapter that are not defined in this section must be defined as consistent with implementation of a state health benefit exchange pursuant to the affordable care act.

(1) "Affordable care act" means the federal patient protection and affordable care act, P.L. 111-148, as amended by the federal health care and education reconciliation act of 2010, P.L. 111-152, or federal regulations or guidance issued under the affordable care act.

(2) "Authority" means the Washington state health care authority, established under chapter 41.05 RCW.

(3) "Board" means the governing board established in RCW 43.71.020.

(4) "Commissioner" means the insurance commissioner, established in Title 48 RCW.

(5) "Exchange" means the Washington health benefit exchange established in RCW 43.71.020.

(6) "Self-sustaining" means capable of operating with revenue attributable to the operations of the exchange. Self-sustaining sources include, but are not limited to, federal grants, federal premium tax subsidies and credits, charges to health carriers, and premiums paid by enrollees((~~, and premium taxes under RCW 48.14.0201(5)(b) and 48.14.020(2)~~)).

Sec. 2. RCW 43.71.030 and 2012 c 87 s 4 are each amended to read as follows:

(1) The exchange may, consistent with the purposes of this chapter: (a) Sue and be sued in its own name; (b) make and execute agreements, contracts, and other instruments, with any public or private person or entity; (c) employ, contract with, or engage personnel; (d) pay administrative costs; (e) accept grants, donations, loans of funds, and contributions in money, services, materials or otherwise, from the United States or any of its agencies, from the state of Washington and its agencies or from any other source, and use or expend those moneys, services, materials, or other contributions; and (f) ((~~aggregate or delegate the aggregation of funds that comprise the premium for a health plan; and (g)~~)) complete other duties necessary to begin open enrollment in qualified health plans through the exchange beginning October 1, 2013.

(2) The board shall develop a methodology to ensure the exchange is self-sustaining after December 31, 2014. The board shall seek input from health carriers to develop funding mechanisms that fairly and equitably apportion among carriers the reasonable administrative costs and expenses incurred to implement the provisions of this chapter. The board shall submit its recommendations to the legislature by December 1, 2012. If the legislature does not enact legislation during the 2013 regular session to modify or reject the board's recommendations, the board may proceed with implementation of the recommendations.

(3) The board shall establish policies that permit city and county governments, Indian tribes, tribal organizations, urban Indian organizations, private foundations, and other entities to pay premiums on behalf of qualified individuals.

(4) The employees of the exchange may participate in the public employees' retirement system under chapter 41.40 RCW and the public employees' benefits board under chapter 41.05 RCW.

(5) Qualified employers may access coverage for their employees through the exchange for small groups under section 1311 of P.L. 111-148 of 2010, as amended. The exchange shall enable any qualified employer to specify a level of coverage so that any of its employees may enroll in any qualified health plan offered through the small group exchange at the specified level of coverage.

(6) The exchange shall report its activities and status to the governor and the legislature as requested, and no less often than annually.

(7) The exchange shall not aggregate or delegate the aggregation of funds that comprise the premium for any enrollee for any plan offering except as required by federal law.

Sec. 3. RCW 43.71.060 and 2013 2nd sp.s. c 6 s 2 are each amended to read as follows:

(1) The health benefit exchange account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used to fund the operation of the exchange and identification, collection, and distribution of premium taxes collected under RCW 48.14.0201(5)(b) and 48.14.020(2) prior to January 1, 2016.

(2)(a) The following funds must be deposited in the account:

((~~(a)~~)) (i) Premium taxes collected under RCW 48.14.0201(5)(b) and 48.14.020(2) prior to January 1, 2016;

((~~(b)~~)) (ii) Assessments authorized under RCW 43.71.080; ((~~and~~

~~(c)~~)) (iii) Amounts transferred by the pool administrator as specified in the state omnibus appropriations act or pursuant to RCW 48.41.090((~~.~~)); and

((~~(3)~~)) (iv) All receipts from federal grants ((~~received under the affordable care act may be deposited into the account~~)).

(b) Expenditures from the account may be used only for purposes consistent with the grants.

((~~(4)~~)) (3) During the 2013-2015 fiscal biennium, the legislature may transfer from the health benefit exchange account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 4. RCW 43.71.080 and 2013 2nd sp.s. c 6 s 3 are each amended to read as follows:

(1)(a) Beginning January 1, 2015, the exchange may require each issuer writing premiums for qualified health benefit plans or stand-alone dental plans offered through the exchange to pay an assessment in an amount necessary to fund the operations of the exchange, applicable to operational costs incurred beginning January 1, 2015. For calendar year 2015 the assessment in effect on March 1, 2015, may not be increased to fund the operations of the exchange.

(b) The assessment is an exchange user fee as that term is used in 45 C.F.R. 156.80. ((~~Assessments of issuers may be made only if the amount of expected premium taxes, as provided under RCW 48.14.0201(5)(b) and 48.14.020(2), and other funds deposited in the health benefit exchange account in the current calendar year are insufficient to fund exchange operations in the following calendar year at the level~~)) Beginning in calendar year 2016 the assessment may not exceed three and one-half percent of plan premium and may not generate greater income than authorized by the legislature ((~~for that purpose~~)) in the omnibus appropriations act.

(c) If the exchange is charging an assessment, the exchange shall display the amount of the assessment per member per month for enrollees. A health benefit plan or stand-alone dental plan may identify the amount of the assessment to enrollees, but must not bill the enrollee for the amount of the assessment separately from the premium.

(2) The board, in collaboration with the issuers, the health care authority, and the commissioner, must establish a fair and transparent process for calculating the assessment amount. The process must meet the following requirements:

(a) The assessment only applies to issuers that offer coverage in the exchange and only for those market segments offered and must be based on the number of enrollees in qualified health plans and stand-alone dental plans in the exchange for a calendar year;

(b) The assessment must be established on a flat dollar and cents amount per member per month, and the assessment for dental plans must be proportional to the premiums paid for stand-alone dental plans in the exchange;

(c) Issuers must be notified of the assessment amount by the exchange on a timely basis;

(d) An appropriate assessment reconciliation process must be established by the exchange that is administratively efficient;

(e) Issuers must remit the assessment due to the exchange in quarterly installments after receiving notification from the exchange of the due dates of the quarterly installments;

(f) A procedure must be established to allow issuers subject to assessments under this section to have grievances reviewed by an impartial body and reported to the board; and

(g) A procedure for enforcement must be established if an issuer fails to remit its assessment amount to the exchange within ten business days of the quarterly installment due date.

(3) The exchange shall deposit proceeds from the assessments in the health benefit exchange account under RCW 43.71.060.

(4) The assessment described in this section shall be considered a special purpose obligation or assessment in connection with coverage described in this section for the purpose of funding the operations of the exchange, and may not be applied by issuers to vary premium rates at the plan level.

(5) The exchange shall monitor enrollment and provide periodic reports which must be available on its web site.

(6) The board shall offer all qualified health plans through the exchange, and the exchange shall not add criteria for certification of qualified health plans beyond those set out in RCW 43.71.065 without specific statutory direction. Nothing shall be construed to limit duties, obligations, and authority otherwise legislatively delegated or granted to the exchange.

(7) The exchange shall report to the joint select committee on health care oversight on a quarterly basis with an update on budget expenses and operations.

(8) By July 1, 2016, the state auditor shall conduct a performance review of the cost of exchange operations and shall make recommendations to the board and the health care committees of the legislature addressing improvements in cost performance and adoption of best practices. The auditor shall further evaluate the potential cost and customer service benefits through regionalization with other states of some exchange operation functions or through a partnership with the federal government. The cost of the state auditor review must be borne by the exchange.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.71 RCW to read as follows:

As part of eligibility verification responsibilities, the exchange shall verify that a person seeking to enroll in a qualified health plan or qualified dental plan during a special enrollment period has experienced a qualifying event as established by the office of the insurance commissioner and shall require reasonable proof or documentation of the qualifying event.

Sec. 6. RCW 48.14.0201 and 2013 2nd sp.s. c 6 s 5 are each amended to read as follows:

(1) As used in this section, "taxpayer" means a health maintenance organization as defined in RCW 48.46.020, a health care service contractor as defined in chapter 48.44 RCW, or a self-funded multiple employer welfare arrangement as defined in RCW 48.125.010.

(2) Each taxpayer must pay a tax on or before the first day of March of each year to the state treasurer through the insurance commissioner's office. The tax must be equal to the total amount of all premiums and prepayments for health care services collected or received by the taxpayer under RCW 48.14.090 during the preceding calendar year multiplied by the rate of two percent. For tax purposes, the reporting of premiums and prepayments must be on a written basis or on a paid-for basis consistent with the basis required by the annual statement.

(3) Taxpayers must prepay their tax obligations under this section. The minimum amount of the prepayments is the percentages of the taxpayer's tax obligation for the preceding calendar year recomputed using the rate in effect for the current year. For the prepayment of taxes due during the first calendar year, the minimum amount of the prepayments is the percentages of the taxpayer's tax obligation that would have been due had the tax been in effect during the previous calendar year. The tax prepayments must be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

(a) On or before June 15, forty-five percent;

(b) On or before September 15, twenty-five percent;

(c) On or before December 15, twenty-five percent.

(4) For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's tax obligation as recomputed for calculating the health maintenance organization's, health care service contractor's, self-funded multiple employer welfare arrangement's, or certified health plan's prepayment obligations for the current tax year.

(5)(a) Except as provided in (b) of this subsection, moneys collected under this section are deposited in the general fund.

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(b) Beginning January 1, 2014, and ending December 31, 2015, moneys collected from taxpayers for premiums written on qualified health benefit plans and stand-alone dental plans offered through the health benefit exchange under chapter 43.71 RCW must be deposited in the health benefit exchange account under RCW 43.71.060.

(6) The taxes imposed in this section do not apply to:

(a) Amounts received by any taxpayer from the United States or any instrumentality thereof as prepayments for health care services provided under Title XVIII (medicare) of the federal social security act.

(b) Amounts received by any taxpayer from the state of Washington as prepayments for health care services provided under:

(i) The medical care services program as provided in RCW 74.09.035; or

(ii) The Washington basic health plan on behalf of subsidized enrollees as provided in chapter 70.47 RCW.

(c) Amounts received by any health care service contractor as defined in chapter 48.44 RCW, or any health maintenance organization as defined in chapter 48.46 RCW, as prepayments for health care services included within the definition of practice of dentistry under RCW 18.32.020, except amounts received for pediatric oral services that qualify as coverage for the minimum essential coverage requirement under P.L. 111-148 (2010), as amended.

(d) Participant contributions to self-funded multiple employer welfare arrangements that are not taxable in this state.

(7) Beginning January 1, 2000, the state preempts the field of imposing excise or privilege taxes upon taxpayers and no county, city, town, or other municipal subdivision has the right to impose any such taxes upon such taxpayers. This subsection is limited to premiums and payments for health benefit plans offered by health care service contractors under chapter 48.44 RCW, health maintenance organizations under chapter 48.46 RCW, and self-funded multiple employer welfare arrangements as defined in RCW 48.125.010. The preemption authorized by this subsection must not impair the ability of a county, city, town, or other municipal subdivision to impose excise or privilege taxes upon the health care services directly delivered by the employees of a health maintenance organization under chapter 48.46 RCW.

(8)(a) The taxes imposed by this section apply to a self-funded multiple employer welfare arrangement only in the event that they are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq. The arrangements and the commissioner must initially request an advisory opinion from the United States department of labor or obtain a declaratory ruling from a federal court on the legality of imposing state premium taxes on these arrangements. Once the legality of the taxes has been determined, the multiple employer welfare arrangement certified by the insurance commissioner must begin payment of these taxes.

(b) If there has not been a final determination of the legality of these taxes, then beginning on the earlier of (i) the date the fourth multiple employer welfare arrangement has been certified by the insurance commissioner, or (ii) April 1, 2006, the arrangement must deposit the taxes imposed by this section into an interest bearing escrow account maintained by the arrangement. Upon a final determination that the taxes are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq., all funds in the interest bearing escrow account must be transferred to the state treasurer.

(9) The effect of transferring contracts for health care services from one taxpayer to another taxpayer is to transfer the tax prepayment obligation with respect to the contracts.

(10) On or before June 1st of each year, the commissioner must notify each taxpayer required to make prepayments in that year of the amount of each prepayment and must provide remittance forms to be used by the taxpayer. However, a taxpayer's responsibility to make prepayments is not affected by failure of the commissioner to send, or the taxpayer to receive, the notice or forms.

Sec. 7. RCW 48.14.020 and 2013 2nd sp.s. c 6 s 6 are each amended to read as follows:

(1) Subject to other provisions of this chapter, each authorized insurer except title insurers shall on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax on premiums. Except as provided in subsection (3) of this section, such tax shall be in the amount of two percent of all premiums, excluding amounts returned to or the amount of reductions in premiums allowed to holders of industrial life policies for payment of premiums directly to an office of the insurer, collected or received by the insurer under RCW 48.14.090 during the preceding calendar year other than ocean marine and foreign trade insurances, after deducting premiums paid to policyholders as returned premiums, upon risks or property resident, situated, or to be performed in this state. For tax purposes, the reporting of premiums shall be on a written basis or on a paid-for basis consistent with the basis required by the annual statement. For the purposes of this section the consideration received by an insurer for the granting of an annuity shall not be deemed to be a premium.

(2)(a) The taxes imposed in this section do not apply to amounts received by any life and disability insurer for health care services included within the definition of practice of dentistry under RCW 18.32.020 except amounts received for pediatric oral services that qualify as coverage for the minimum essential coverage requirement under P.L. 111-148 (2010), as amended.

(b) Beginning January 1, 2014, and ending December 31, 2015, moneys collected for premiums written on qualified health benefit plans and stand-alone dental plans offered through the health benefit exchange under chapter 43.71 RCW must be deposited in the health benefit exchange account under RCW 43.71.060.

(3) In the case of insurers which require the payment by their policyholders at the inception of their policies of the entire premium thereon in the form of premiums or premium deposits which are the same in amount, based on the character of the risks, regardless of the length of term for which such policies are written, such tax shall be in the amount of two percent of the gross amount of such premiums and premium deposits upon policies on risks resident, located, or to be performed in this state, in force as of the thirty-first day of December next preceding, less the unused or unabsorbed portion of such premiums and premium deposits computed at the average rate thereof actually paid or credited to policyholders or applied in part payment of any renewal premiums or premium deposits on one-year policies expiring during such year.

(4) Each authorized insurer shall with respect to all ocean marine and foreign trade insurance contracts written within this state during the preceding calendar year, on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax of ninety-five one-hundredths of one percent on its gross underwriting profit. Such gross underwriting profit shall be ascertained by deducting from the net premiums (i.e., gross premiums less all return premiums and premiums for reinsurance) on such ocean marine and foreign trade insurance contracts the net losses paid (i.e., gross losses paid less salvage and recoveries on reinsurance ceded) during such calendar year under such contracts. In the case of insurers issuing participating contracts, such gross underwriting profit shall not include, for

computation of the tax prescribed by this subsection, the amounts refunded, or paid as participation dividends, by such insurers to the holders of such contracts.

(5) The state does hereby preempt the field of imposing excise or privilege taxes upon insurers or their appointed insurance producers, other than title insurers, and no county, city, town or other municipal subdivision shall have the right to impose any such taxes upon such insurers or these insurance producers.

(6) If an authorized insurer collects or receives any such premiums on account of policies in force in this state which were originally issued by another insurer and which other insurer is not authorized to transact insurance in this state on its own account, such collecting insurer shall be liable for and shall pay the tax on such premiums.

Sec. 8. RCW 48.41.090 and 2013 2nd sp.s. c 6 s 7 are each amended to read as follows:

(1) Following the close of each accounting year, the pool administrator shall determine the total net cost of pool operation which shall include:

(a) Net premium (premiums less administrative expense allowances), the pool expenses of administration, and incurred losses for the year, taking into account investment income and other appropriate gains and losses; and

(b) The amount of pool contributions specified in the state omnibus appropriations act for deposit into the health benefit exchange account under RCW 43.71.060, to assist with the transition of enrollees from the pool into the health benefit exchange created by chapter 43.71 RCW. For the period from July 1, 2015, through December 31, 2015, the pool administrator shall deposit seven million five hundred thousand dollars of pool contributions into the health benefit exchange account.

(2)(a) Each member's proportion of participation in the pool shall be determined annually by the board based on annual statements and other reports deemed necessary by the board and filed by the member with the commissioner; and shall be determined by multiplying the total cost of pool operation by a fraction. The numerator of the fraction equals that member's total number of resident insured persons, including spouse and dependents, covered under all health plans in the state by that member during the preceding calendar year. The denominator of the fraction equals the total number of resident insured persons, including spouses and dependents, covered under all health plans in the state by all pool members during the preceding calendar year.

(b) For purposes of calculating the numerator and the denominator under (a) of this subsection:

(i) All health plans in the state by the state health care authority include only the uniform medical plan;

(ii) Each ten resident insured persons, including spouse and dependents, under a stop loss plan or the uniform medical plan shall count as one resident insured person;

(iii) Health plans serving medical care services program clients under RCW 74.09.035 are exempted from the calculation; and

(iv) Health plans established to serve elderly clients or medicaid clients with disabilities under chapter 74.09 RCW when the plan has been implemented on a demonstration or pilot project basis are exempted from the calculation until July 1, 2009.

(c) Except as provided in RCW 48.41.037, any deficit incurred by the pool, including pool contributions for deposit into the health benefit exchange account, shall be recouped by assessments among members apportioned under this subsection pursuant to the formula set forth by the board among members. The monthly per member assessment may not exceed the 2013 assessment level. If the maximum assessment is insufficient to cover a pool deficit the assessment shall be used first to pay all incurred losses and pool administrative expenses, with the remainder being available for deposit in the health benefit exchange account.

(3) The board may abate or defer, in whole or in part, the assessment of a member if, in the opinion of the board, payment of the assessment would endanger the ability of the member to fulfill its contractual obligations. If an assessment against a member is abated or deferred in whole or in part, the amount by which such assessment is abated or deferred may be assessed against the other members in a manner consistent with the basis for assessments set forth in subsection (2) of this section. The member receiving such abatement or deferment shall remain liable to the pool for the deficiency.

(4) Subject to the limitation imposed in subsection (2)(c) of this section, the pool administrator shall transfer the assessments for pool contributions for the operation of the health benefit exchange to the treasurer for deposit into the health benefit exchange account with the quarterly assessments for ((~~2014~~)) 2015 and 2016 as specified in this section or in the state omnibus appropriations act. If assessments exceed actual losses and administrative expenses of the pool and pool contributions for deposit into the health benefit exchange account, the excess shall be held at interest and used by the board to offset future losses or to reduce pool premiums. As used in this subsection, "future losses" includes reserves for incurred but not reported claims.

NEW SECTION. **Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "sustainability;" strike the remainder of the title and insert "amending RCW 43.71.010, 43.71.030, 43.71.060, 43.71.080, 48.14.0201, 48.14.020, and 48.41.090; adding a new section to chapter 43.71 RCW; and declaring an emergency."

MOTION

Senator Frockt moved that the following amendment by Senators Frockt and Keiser to the striking amendment be adopted:

On page 1, line 27, strike "((~~, and premium taxes under RCW 48.14.0201(5)(b) and 48.14.020(2))~~)" and insert the following: ", and premium taxes under RCW 48.14.0201(5)(b) and 48.14.020(2) prior to July 1, 2017".

On page 3, line 8, strike "2016", and replace with "2017".

On page 3, line 11, strike "2016", and replace with "2017".

On page 3, line 34, strike "((~~Assessments of issuers may be made only if the amount of expected premium taxes, as provided under RCW 48.14.0201(5)(b) and 48.14.020(2), and other funds deposited in the health benefit exchange account in the current calendar year are insufficient to fund exchange operations in the following calendar year~~))", and replace with "Assessments of issuers may be made only if the amount of expected premium taxes, as provided under RCW 48.14.0201(5)(b) and 48.14.020(2), and other funds deposited in the health benefit exchange account in the current calendar year are insufficient to fund exchange operations in the following calendar year".

On page 6, line 29, strike "2015", and replace with "2017".

On page 9, line 3, strike "2015", and replace with "2017".

On page 12, line 4 strike all of the section.

WITHDRAWAL OF AMENDMENT

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On motion of Senator Frockt, the amendment by Senators Frockt and Keiser on page 1, line 27 to the striking amendment to Senate Bill No. 6089 was withdrawn.

MOTION

Senator Keiser moved that the following amendment by Senators Frockt and Keiser to the striking amendment be adopted:

On page 10, line 22, strike "For the period from July 1, 2015, through December 31, 2015, the pool administrator shall deposit seven million five hundred thousand of pool contributions into the health benefit exchange account."

Senator Keiser spoke in favor of adoption of the amendment.

Senator Becker spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Frockt and Keiser on page 10, line 22 to the striking amendment to Senate Bill No. 6089.

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

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

Senator Hargrove against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Becker and Hill to Senate Bill No. 6089.

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

MOTION

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

MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Senate Bill No. 6089 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frock spoke passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6089.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6089 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

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

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

Excused: Senator Chase

ENGROSSED SENATE BILL NO. 6089, 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.

PERSONAL PRIVILEGE

Senator Fain: "Senator Rolfes offered me five dollars to run an order of gubers so, is everybody up for that? I appreciate everyone's very active exciting day, night and then almost day again. I apologize that I am not going to be adjourning at this time. We are going to go at ease so we can make some scheduling decisions. You do not need to stick around, we are not going to be coming back to the floor anytime soon in the next few hours but I will be contacting your offices and sending out what the schedules going to look like for the next couple of days. I'd also ask that members of the majority coalition be in caucus for one minute immediately following our going at ease."

MOTION

At 4:09 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:11 a.m. by President Owen.

MOTION

At 4:12 a.m., on motion of Senator Fain, the Senate adjourned until 1:00 p.m. Monday, April 6, 2015.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

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