

## THIRTY SEVENTH DAY

## MORNING SESSION

Senate Chamber, Olympia  
Tuesday, February 16, 2016

The Senate was called to order at 9:00 o'clock a.m. by the President of the Senate, Lt. Governor Owen presiding.

The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Jillian Rossi and Zachary Alim Natha, presented the Colors.

The prayer was offered by Pastor James Maultsby of Oakridge Ministries in Rainier.

## MOTION

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

## MOTION

On motion of Senator Fain, and without objection, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

ESHB 1067 by House Committee on Judiciary (originally sponsored by Representatives Jinkins, Holy, Magendanz, Nealey, Goodman, Muri, Gregerson, Cody, Kilduff and Pollet)

AN ACT Relating to the medicaid fraud false claims act; and amending RCW 43.131.419 and 43.131.420.

Referred to Committee on Accountability & Reform.

2ESHB 1100 by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, S. Hunt, Hudgins, Ormsby and Fey)

AN ACT Relating to creating new appliance efficiency standards; amending RCW 19.260.030, 19.260.040, and 19.260.050; reenacting and amending RCW 19.260.020; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

SHB 1632 by House Committee on Public Safety (originally sponsored by Representatives Goodman, Klippert, Orwall, Hayes, Jinkins and Wylie)

AN ACT Relating to domestic violence; amending RCW 9A.36.041, 9.94A.525, 43.43.754, and 43.43.830; reenacting and amending RCW 9.94A.411; adding a new section to chapter 7.36 RCW; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Law & Justice.

E2SHB 1645 by House Committee on Appropriations (originally sponsored by Representatives Pollet, Harris, Carlyle, Cody, Johnson, Tharinger, Robinson, Lytton,

Kagi, Ryu, S. Hunt, Farrell, Moscoso, Riccelli, McBride and Jinkins)

AN ACT Relating to youth substance use prevention associated with tobacco and drug delivery e-cigarettes and vapor products; amending RCW 26.28.080, 28A.210.310, 70.155.010, 70.155.020, 70.155.030, 70.155.050, 70.155.070, 70.155.140, 70.155.080, 70.155.090, 70.155.100, 70.155.110, 70.155.120, 70.155.130, and 82.24.530; adding new sections to chapter 70.155 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Health Care.

SHB 1830 by House Committee on Transportation (originally sponsored by Representative Muri)

AN ACT Relating to Washington state wrestling special license plates; amending RCW 46.68.420; reenacting and amending RCW 46.18.200, 46.17.220, and 46.18.060; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

SHB 1874 by House Committee on Health Care & Wellness (originally sponsored by Representatives Tharinger, Cody and Riccelli)

AN ACT Relating to the requirements of allopathic physician licensure; amending RCW 18.71.050, 18.71.055, and 18.71.095; adding a new section to chapter 18.71 RCW; and repealing RCW 18.71.051.

Referred to Committee on Health Care.

SHB 1915 by House Committee on Appropriations (originally sponsored by Representatives S. Hunt, Harris, MacEwen, Walkinshaw, Sells, Goodman, Moscoso, Reykdal, Robinson, Kilduff, Fitzgibbon, Hayes, Hudgins, Tarleton, Appleton, Ormsby, Pollet and Bergquist)

AN ACT Relating to protecting taxpayers by providing for accountability and transparency in government contracting; amending RCW 39.26.180, 43.19.008, and 39.26.200; adding a new section to chapter 39.26 RCW; and creating new sections.

Referred to Committee on Commerce & Labor.

4SHB 1999 by House Committee on Appropriations (originally sponsored by Representatives Carlyle, Kagi, Lytton, Walsh, Sawyer, Pettigrew, Ortiz-Self, Dent, Parker, Caldier, Goodman and Jinkins)

AN ACT Relating to coordinating services and programs for foster youth in order to improve educational outcomes; amending RCW 28B.117.060; reenacting and amending RCW 13.50.010; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 74.13 RCW; adding a new section to chapter 28B.77 RCW; creating a new section; recodifying RCW 28B.117.060; and repealing RCW 74.13.105.

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

SHB 2017 by House Committee on Transportation (originally sponsored by Representatives Klippert, Cody, Blake, Dent, Hayes, Fagan and Kretz)  
AN ACT Relating to Washington farmers and ranchers special license plates; amending RCW 46.68.420; reenacting and amending RCW 46.18.200, 46.17.220, and 46.18.060; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2262 by Representatives Bergquist, Muri, Gregerson and Pettigrew  
AN ACT Relating to Washington tennis special license plates; amending RCW 46.68.420; reenacting and amending RCW 46.18.200, 46.17.220, and 46.18.060; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

ESHB 2274 by House Committee on Transportation (originally sponsored by Representatives Harmsworth, Bergquist, Hayes, Morris, Moscoso, Pollet, Vick, Wilson, Van Werven and Haler)  
AN ACT Relating to protecting individuals from reports of sale filed with an incorrect buyer of a subsequently abandoned vehicle; amending RCW 46.12.650, 46.55.105, 19.16.250, and 9.94A.753; and adding a new section to chapter 46.64 RCW.

Referred to Committee on Transportation.

HB 2309 by Representatives Smith, Stanford, Griffey, Haler, Wilcox, Tharinger and Moscoso  
AN ACT Relating to increasing the available term of water pollution control revolving fund program loans to reflect the 2014 amendments to the federal clean water act allowing such an increase; and amending RCW 90.50A.010, 90.50A.020, 90.50A.030, 90.50A.040, and 90.50A.050.

Referred to Committee on Energy, Environment & Telecommunications.

ESHB 2340 by House Committee on Health Care & Wellness (originally sponsored by Representatives Schmick, Cody and Jinkins)  
AN ACT Relating to the Washington state health insurance pool; amending RCW 48.41.100, 48.41.160, and 48.41.090; and creating a new section.

Referred to Committee on Health Care.

HB 2394 by Representatives Walsh, Senn, Kagi, Moscoso, Kilduff, Kochmar, Dent, Holy, Sawyer, Jinkins, Tharinger, Magendanz, Fey, Tarleton, Zeiger, Sells, McBride, Bergquist, Pollet, Santos, S. Hunt and Goodman  
AN ACT Relating to creating the parent to parent program for individuals with developmental disabilities; adding new sections to chapter 71A.14 RCW; and creating a new section.

Referred to Committee on Human Services, Mental Health & Housing.

ESHB 2430 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Stanford, Lytton, Tarleton and Fitzgibbon)  
AN ACT Relating to preserving water resources for an array of water supply needs, including irrigated agriculture, fish and wildlife habitat, and municipal use, by updating water conservation standards for appliances; amending RCW 90.54.180 and 19.27.170; and creating a new section.

Referred to Committee on Agriculture, Water & Rural Economic Development.

HB 2432 by Representatives Riccelli, Harris, Cody, Caldier and Tarleton  
AN ACT Relating to substance abuse monitoring for licensed veterinarians, osteopathic physicians and surgeons, and osteopathic physician assistants; amending RCW 18.57A.020 and 18.92.047; and adding a new section to chapter 18.57 RCW.

Referred to Committee on Health Care.

2SHB 2449 by House Committee on Appropriations (originally sponsored by Representatives Orwall, Magendanz, Kagi, Santos, Senn, Peterson, Appleton, Moscoso, Goodman, Jinkins, Walkinshaw, Stanford, Clibborn, Sells, Fitzgibbon, Kilduff, Ryu, Bergquist, Pollet and S. Hunt)  
AN ACT Relating to court-based and school-based intervention and prevention efforts to promote attendance and reduce truancy; amending RCW 28A.225.005, 28A.225.025, 28A.225.035, 28A.225.090, 43.185C.315, and 43.185C.320; adding new sections to chapter 28A.225 RCW; adding a new section to chapter 43.185C RCW; adding a new section to chapter 2.56 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Human Services, Mental Health & Housing.

SHB 2450 by House Committee on Health Care & Wellness (originally sponsored by Representatives Tharinger, Short, Cody, Schmick, Jinkins and Blake)  
AN ACT Relating to allowing critical access hospitals participating in the Washington rural health access preservation pilot to resume critical access hospital payment and licensure; and amending RCW 74.09.5225, 70.41.090, and 70.38.111.

Referred to Committee on Health Care.

SHB 2452 by House Committee on Health Care & Wellness (originally sponsored by Representatives Riccelli, Harris, Cody, Johnson, Robinson, Senn, Clibborn, Jinkins and Ormsby)  
AN ACT Relating to the interstate medical licensure compact; amending RCW 43.70.250; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Health Care.

THIRTY SEVENTH DAY, FEBRUARY 16, 2016

2016 REGULAR SESSION

SHB 2575 by House Committee on Environment (originally sponsored by Representatives Farrell, Fitzgibbon, Peterson, Walkinshaw, Frame, McBride, Stanford, Jinkins, Ormsby, Gregerson, Senn, Pollet and Tharinger)

AN ACT Relating to continuing state efforts to increase oil transportation safety; creating a new section; and providing an expiration date.

Referred to Committee on Energy, Environment & Telecommunications.

ESHB 2591 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Hargrove, Kagi, Walsh, Dent, Caldier, Senn, Frame, Muri, Zeiger, McBride, Ormsby and Gregerson)

AN ACT Relating to notifying foster parents of dependency hearings and their opportunity to be heard in those hearings; and amending RCW 13.34.096 and 13.34.820.

Referred to Committee on Human Services, Mental Health & Housing.

EHB 2610 by Representatives Riccelli, Ormsby, S. Hunt and Gregerson

AN ACT Relating to county commissioner elections; amending RCW 36.32.030, 36.32.050, 36.32.020, 36.32.010, 36.32.055, 36.32.0552, and 36.32.0556; and adding new sections to chapter 36.32 RCW.

Referred to Committee on Government Operations & Security.

SHB 2615 by House Committee on Higher Education (originally sponsored by Representatives Pollet, Haler, Moscoso, Appleton, Fitzgibbon, Gregerson, Ormsby, Ortiz-Self, Lytton, Riccelli, Ryu, Reykdal, Cody, Tarleton, Frame, Van De Wege, Stanford and Goodman)

AN ACT Relating to improving student success at community and technical colleges by considering benefits of full-time faculty and staff; amending RCW 28B.50.850; and adding new sections to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

HB 2623 by Representatives Van Werven, Bergquist, Holy and Muri

AN ACT Relating to recounts of statewide advisory measures; and amending RCW 29A.64.090.

Referred to Committee on Government Operations & Security.

SHB 2716 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Senn, Walsh, Kagi, Walkinshaw, McCabe, Ortiz-Self, Bergquist, Stanford, Gregerson, Ormsby and Goodman)

AN ACT Relating to working connections child care eligibility for vulnerable children; creating new sections; and providing an effective date.

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

2SHB 2726 by House Committee on Appropriations (originally sponsored by Representatives Walkinshaw, Tharinger, Senn, Cody, Ortiz-Self, Magendanz and Goodman)

AN ACT Relating to the regulation of continuing care retirement communities; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Health Care.

SHB 2730 by House Committee on Health Care & Wellness (originally sponsored by Representatives Peterson, Walkinshaw, Ortiz-Self, Bergquist, Kagi, Gregerson, Kilduff, Frame and Pollet)

AN ACT Relating to the prescription monitoring program; and reenacting and amending RCW 70.225.040.

Referred to Committee on Health Care.

EHB 2749 by Representatives Kagi and Ormsby

AN ACT Relating to the extension of dates concerning measuring performance and performance-based contracting of the child welfare system; and amending RCW 74.13.360.

Referred to Committee on Human Services, Mental Health & Housing.

ESHB 2804 by House Committee on Higher Education (originally sponsored by Representatives Haler, Clibborn, Moscoso, Stambaugh, Sawyer, Kochmar, Hickel, Zeiger, Ortiz-Self, Sells, Fitzgibbon, Farrell, Reykdal, Springer, Orwall, Muri, Santos, Pettigrew, Ormsby, Goodman, Stokesbary, Kilduff, Orcutt, Fey, Tarleton, Hayes, McBride, Morris, Stanford, Pollet, Frame and Bergquist)

AN ACT Relating to including highway workers employed on a transportation project by a contractor in the tuition and fee exemption for children and surviving spouses of highway workers; and amending RCW 28B.15.380.

Referred to Committee on Higher Education.

HB 2807 by Representatives Dye, Moscoso, Schmick, Fey and Tarleton

AN ACT Relating to heavy haul industrial corridors; amending RCW 46.44.0915; and providing an effective date.

Referred to Committee on Transportation.

HB 2844 by Representatives Ormsby, Sells, Frame, Gregerson, Moscoso, Bergquist, Jinkins, Cody, Peterson, Robinson, Farrell, Riccelli, Sawyer, Pollet, Reykdal, Kilduff, Stanford, Walkinshaw, McBride and Santos

AN ACT Relating to adding training on public works and prevailing wage requirements to responsible bidder criteria; and amending RCW 39.04.350.

Referred to Committee on Commerce & Labor.

ESHB 2852 by House Committee on State Government (originally sponsored by Representatives Hudgins, S. Hunt and Stanford)

AN ACT Relating to establishing standards for election data and reporting; amending RCW 29A.60.160; and adding a new section to chapter 29A.60 RCW.

Referred to Committee on Government Operations & Security.

SHB 2895 by House Committee on Public Safety (originally sponsored by Representative MacEwen)

AN ACT Relating to alien victims of certain qualifying criminal activity; and adding a new chapter to Title 7 RCW.

Referred to Committee on Law & Justice.

HB 2970 by Representatives McCabe and Appleton

AN ACT Relating to voyeurism; amending RCW 9A.44.115, 9.94A.515, and 13.40.070; and prescribing penalties.

Referred to Committee on Law & Justice.

SHB 2973 by House Committee on Transportation (originally sponsored by Representative Orcutt)

AN ACT Relating to measuring the performance of the state transportation system; amending RCW 47.01.071 and 47.64.360; reenacting and amending RCW 47.04.280; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

#### MOTION

On motion of Senator Fain, and without objection, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

#### MOTION

On motion of Senator Fain, and without objection, the Senate advanced to the seventh order of business.

#### THIRD READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Pearson moved that Lucinda S. Whaley, Gubernatorial Appointment No. 9189, be confirmed as a member of the Parks and Recreation Commission.

Senators Pearson and Padden spoke in favor of passage of the motion.

#### APPOINTMENT OF LUCINDA S. WHALEY

The President declared the question before the Senate to be the confirmation of Lucinda S. Whaley, Gubernatorial Appointment No. 9189, as a member of the Parks and Recreation Commission.

The Secretary called the roll on the confirmation of Lucinda S. Whaley, Gubernatorial Appointment No. 9189, as a member of the Parks and Recreation Commission 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser,

Frocht, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

Lucinda S. Whaley, Gubernatorial Appointment No. 9189, having received the constitutional majority, was declared confirmed as a member of the Parks and Recreation Commission.

#### MOTION

On motion of Senator Fain, and without objection, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

February 15, 2016

MR. PRESIDENT:

The House has passed:

THIRD SUBSTITUTE HOUSE BILL NO. 1713,  
SECOND SUBSTITUTE HOUSE BILL NO. 1725,  
SECOND SUBSTITUTE HOUSE BILL NO. 1900,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1949,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1983,  
HOUSE BILL NO. 2280,  
SUBSTITUTE HOUSE BILL NO. 2287,  
HOUSE BILL NO. 2320,  
HOUSE BILL NO. 2360,  
SUBSTITUTE HOUSE BILL NO. 2381,  
HOUSE BILL NO. 2384,  
SUBSTITUTE HOUSE BILL NO. 2396,  
SUBSTITUTE HOUSE BILL NO. 2410,  
SUBSTITUTE HOUSE BILL NO. 2429,  
SUBSTITUTE HOUSE BILL NO. 2483,  
HOUSE BILL NO. 2494,  
SUBSTITUTE HOUSE BILL NO. 2584,  
SUBSTITUTE HOUSE BILL NO. 2644,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2647,  
SUBSTITUTE HOUSE BILL NO. 2682,  
SUBSTITUTE HOUSE BILL NO. 2765,  
SECOND SUBSTITUTE HOUSE BILL NO. 2769,  
SECOND SUBSTITUTE HOUSE BILL NO. 2791,  
HOUSE BILL NO. 2806,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2825,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2834,  
SUBSTITUTE HOUSE BILL NO. 2875,  
SECOND SUBSTITUTE HOUSE BILL NO. 2933,  
SUBSTITUTE HOUSE BILL NO. 2938,  
HOUSE JOINT MEMORIAL NO. 4010

and the same are herewith transmitted.

BERNARD DEAN, Deputy Chief Clerk

#### MOTION

On motion of Senator Fain, and without objection, the Senate advanced to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 6519, by Senators Becker, Cleveland, Dammeier, Frocht, Brown, Angel, Rivers, Bailey, Keiser, Conway, Fain, Carlyle, Rolfes, Chase and Parlette)

Expanding patient access to health services through telemedicine and establishing a collaborative for the advancement of telemedicine.

MOTIONS

On motion of Senator Becker, Substitute Senate Bill No. 6519 was substituted for Senate Bill No. 6519 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Becker, the rules were suspended, Substitute Senate Bill No. 6519 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Conway 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. 6519.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6519 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

SUBSTITUTE SENATE BILL NO. 6519, 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. 6327, by Senators Bailey, Keiser, Nelson, Conway, Mullet and Dammeier

Providing for hospital discharge planning with lay caregivers.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6327 was substituted for Senate Bill No. 6327 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 6327 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Cleveland 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. 6327.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6327 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

SUBSTITUTE SENATE BILL NO. 6327, 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 Hargrove: "Thank you, Mr. President. I just wanted to make sure that everybody in the Senate was hungry, because today is Hargrove Hamburger Day. What they say is a hamburger a day keeps the flu away. So I want to make sure that you all get down there and load up with all those carbs. Thank you, Mr. President."

SECOND READING

SENATE BILL NO. 6498, by Senators Fain, Frockt, Pedersen, Angel and Rolfes)

Creating a testamentary privilege for alcohol or drug addiction recovery sponsors. Revised for 1st Substitute: Concerning testimonial privileges for alcohol and drug addiction recovery sponsors.

MOTIONS

On motion of Senator Fain, Substitute Senate Bill No. 6498 was substituted for Senate Bill No. 6498 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fain, the rules were suspended, Substitute Senate Bill No. 6498 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain and Frockt 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. 6498.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6498 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

SUBSTITUTE SENATE BILL NO. 6498, 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. 6607, by Senators Baumgartner and Schoesler

Removing state route number 276 from the state highway system.

The measure was read the second time.

#### MOTION

On motion of Senator Baumgartner, the rules were suspended, Senate Bill No. 6607 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6607.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6607 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

SENATE BILL NO. 6607, 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. 6376, by Senators Fraser, Roach, McCoy, Conway, Hasegawa, Padden, Carlyle, Lias, Nelson, O'Ban, Darneille, Chase and Jayapal

Recognizing human trafficking awareness day.

The measure was read the second time.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 6376 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser, Chase and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6376.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6376 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

SENATE BILL NO. 6376, 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 Dansel: "Thank you, Mr. President. Standing today I know that we usually do thank you's to committee staff, but I was also wanting to thank all the people that work here, the security guards, the pages. It seems to me that everybody is so high class. It seems like we work in a field here where there are a lot of pauses throughout the day, where they have to do a lot of sitting around and waiting. I'll also say that the pages this week seem to be Seahawks fans. The front desk here will know that there was a young man here that was a Pittsburgh Steelers fan last week which to me was unbelievable. I was trying to get him thrown out. I want to say one of the things about coming here for me anyway, from Republic, Washington, driving seven and a half hours to come here and getting to work with all of these delightful people. So many of these people are unbelievable and amazing. They are class personified so I want to thank everyone that works up here, the security guards, the pages, and everyone that works for your staff as well the Lieutenant Governor. Thank you."

#### REMARKS BY THE PRESIDENT

President Owen: "Thank you."

#### SECOND READING

SENATE BILL NO. 5937, by Senator Parlette

Addressing the farm internship pilot project.

The measure was read the second time.

#### MOTION

On motion of Senator Parlette, the rules were suspended, Senate Bill No. 5937 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5937.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5937 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser,

THIRTY SEVENTH DAY, FEBRUARY 16, 2016

2016 REGULAR SESSION

Froctt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8721.

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

SENATE BILL NO. 5937, 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.

INTRODUCTION OF GUESTS

MOTION

On motion of Senator Fain, and without objection, the Senate advanced to the eighth order of business.

The President welcomed and introduced representatives of the Washington State Historical Society: Jennifer Kilmer, Director; Erich Ebel, Director of Communications; and Susan Rohrer, Heritage Outreach Manager who were seated in the gallery and recognized by the Senate.

MOTION

MOTION

Senator Darneille moved adoption of the following resolution:

On motion of Senator Fain, and without objection, the Senate reverted to the seventh order of business.

SENATE RESOLUTION  
8721

THIRD READING

By Senators Darneille, Honeyford, Becker, Conway, O'Ban, Fraser, and Roach

SUBSTITUTE SENATE BILL NO. 5640, by Senate Committee on Transportation (originally sponsored by Senator Ericksen)

WHEREAS, The Washington State Historical Society was founded in Tacoma, Washington, on October 8, 1891; and

Concerning deficiency claims after auction of a private property vehicle impound. Revised for 1st Substitute: Concerning the limitation on towing and storage deficiency claims after auction of a private property vehicle impound.

WHEREAS, 2016 marks the Washington State Historical Society's quasiquicentennial — its 125th year of preserving state historical resources for the people of Washington and future generations; and

The bill was read on Third Reading.

WHEREAS, The Washington State Historical Society provides access to a diverse and rich heritage that expands our understanding of the past and helps to inform the future; and

Senators Ericksen and Hobbs spoke in favor of passage of the bill.

WHEREAS, The Washington State Historical Society contributes to the quality of life in our state by bringing people together through shared cultural experiences; and

Senator Pedersen spoke against passage of the bill.

WHEREAS, The variety of educational programs taught by the Washington State Historical Society have benefited our state's children in immeasurable ways; and

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5640.

WHEREAS, As facilitators of the Washington State History Day program, the Washington State Historical Society continues to nurture and cultivate a love of history in generation after generation of Washington students; and

ROLL CALL

WHEREAS, The Washington State Historical Society's Research Center in Tacoma houses countless artifacts, ephemera, photographs, and documents that are essential to preserving the history of our great state; and

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5640 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

WHEREAS, The State Capital Museum in Olympia provides dozens of educational and cultural programs to the public throughout the year; and

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

WHEREAS, The State History Museum in Tacoma is one of the most vital cultural assets the State of Washington has in its possession today;

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Fraser, Froctt, Habib, Hasegawa, Jayapal, Keiser, McAuliffe, Mullet, Nelson, Pedersen, Roach and Rolfes

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the Washington State Historical Society for its 125 years of service as stewards of our common history, its role in developing the minds of our state's youth, and its fervent effort to continue preserving and sharing the stories of Washington's people; and

SUBSTITUTE SENATE BILL NO. 5640, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Historical Society.

On motion of Senator Fain, and without objection, the Senate reverted to the sixth order of business.

Senators Darneille, Becker, Conway, Fraser and Honeyford

SECOND READING

SENATE BILL NO. 6242, by Senators O'Ban, Pedersen, Padden, Roach, Hargrove, Pearson, Darneille, Frockt and Sheldon

Requiring the indeterminate sentence review board to provide certain notices upon receiving a petition for early release.

#### MOTION

On motion of Senator O'Ban, Second Substitute Senate Bill No. 6242 was substituted for Senate Bill No. 6242 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Hargrove moved that the following amendment no. 591 by Senator Hargrove be adopted:

On page 2, line 39, after "The" strike "videos and"

Senators Hargrove and O'Ban spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 591 by Senator Hargrove on page 2, line 39 to Second Substitute Senate Bill No. 6242.

The motion by Senator Hargrove carried and amendment no. 591 was adopted by voice vote.

On motion of Senator O'Ban, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6242.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6242 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

Voting nay: Senator Hasegawa

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6242, 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. 5549, by Senators Jayapal, Angel, Keiser and Cleveland

Concerning the registration and disciplining of pharmacy assistants.

The measure was read the second time.

#### MOTION

On motion of Senator Jayapal, the rules were suspended, Senate Bill No. 5549 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jayapal and Becker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5549.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5549 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Senators O'Ban and Padden

SENATE BILL NO. 5549, 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. 6606, by Senator King

Concerning wholesale vehicle dealers.

#### MOTION

On motion of Senator King, Substitute Senate Bill No. 6606 was substituted for Senate Bill No. 6606 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator King moved that the following amendment no. 600 by Senators Hobbs and King be adopted:

On page 8, after line 5, insert the following:

**"NEW SECTION. Sec. 3.** 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 2 of the title, after "46.70.023;" strike the remainder of the title and insert "reenacting and amending RCW 46.70.011; and declaring an emergency."

Senator King spoke in favor of adoption of the amendment.

Senator Benton spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 600 by Senators Hobbs and King on

THIRTY SEVENTH DAY, FEBRUARY 16, 2016

2016 REGULAR SESSION

page 8, after line 5 to Substitute Senate Bill No. 6606.

The motion by Senator King carried and amendment no. 600 was adopted by voice vote.

On motion of Senator King, the rules were suspended, Engrossed Substitute Senate Bill No. 6606 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6606.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6606 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Senators Benton and Padden

ENGROSSED SUBSTITUTE SENATE BILL NO. 6606, 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. 6171, by Senators Roach, Lias and Benton

Concerning civil penalties for knowing attendance by a member of a governing body at a meeting held in violation of the open public meetings act.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 6171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Lias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6171.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6171 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette,

Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

SENATE BILL NO. 6171, 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. 6445, by Senators Braun and Angel

Clarifying the role of physician assistants in the delivery of mental health services.

MOTIONS

On motion of Senator Braun, Substitute Senate Bill No. 6445 was substituted for Senate Bill No. 6445 and the substitute bill was placed on the second reading and read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Braun and without objection, amendment no. 589 by Senator Braun on page 14, line 4 to Substitute Senate Bill No. 6445 was withdrawn.

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 6445 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Braun 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. 6445.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6445 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

SUBSTITUTE SENATE BILL NO. 6445, 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. 6497, by Senators Hargrove, O'Ban, Darneille, Miloscia, Litzow, McAuliffe and Conway

Providing court-based and school-based intervention and prevention efforts to promote attendance and reduce truancy.

MOTIONS

On motion of Senator Hargrove, Second Substitute Senate Bill

No. 6497 was substituted for Senate Bill No. 6497 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Second Substitute Senate Bill No. 6497 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Dammeier and Darneille spoke in favor of passage of the bill.

Senators Chase and McAuliffe spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6497.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6497 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Dammeier, Danel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

Voting nay: Senators Chase, Hewitt and McAuliffe

SECOND SUBSTITUTE SENATE BILL NO. 6497, 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. 6326, by Senators King, Hobbs and Fain

Concerning the retention and maintenance of auto dealer and repair facility records.

#### MOTIONS

On motion of Senator King, Substitute Senate Bill No. 6326 was substituted for Senate Bill No. 6326 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 6326 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Hobbs 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. 6326.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6326 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette,

Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

SUBSTITUTE SENATE BILL NO. 6326, 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. 6239, by Senators Fain, Frockt, Cleveland, Rolfes, Keiser, Darneille, McAuliffe and Chase

Authorizing local governments to adopt a property tax exemption program for the preservation of certain affordable housing. Revised for 2nd Substitute: Providing local governments with options to preserve affordable housing in their communities.

#### MOTIONS

On motion of Senator Fain, Second Substitute Senate Bill No. 6239 was substituted for Senate Bill No. 6239 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fain, the rules were suspended, Second Substitute Senate Bill No. 6239 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain and Keiser spoke in favor of passage of the bill. Senator Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6239.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6239 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Darneille, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hill, Hobbs, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Pedersen, Ranker, Roach, Rolfes, Schoesler, Sheldon and Takko

Voting nay: Senators Angel, Baumgartner, Becker, Benton, Danel, Ericksen, Hewitt, Honeyford, Padden, Parlette, Pearson, Rivers and Warnick

SECOND SUBSTITUTE SENATE BILL NO. 6239, 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. 6617, by Senator Frockt

Concerning the University of Washington's alternative process for awarding contracts.

The measure was read the second time.

#### MOTION

Senator Hasegawa moved that the following amendment no. 582 by Senators Frockt and Hasegawa be adopted:

THIRTY SEVENTH DAY, FEBRUARY 16, 2016

2016 REGULAR SESSION

On page 4, after line 15, strike all of section 2, and insert the following:

"Sec.2. RCW 43.131.413 and 2015 3rd sp.s. c 3 s 7041 are each amended to read as follows:

The alternative process for awarding contracts established in RCW 28B.20.744 terminates June 30, ((2017)) 2022, as provided in RCW 43.131.414.

Sec. 3. RCW 43.131.414 and 2015 3rd sp.s. c 3 s 7042 are each amended to read as follows:

RCW 28B.20.744, as now existing or hereafter amended, is repealed, effective June 30, ((2018)) 2023."

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

The President declared the question before the Senate to be the adoption of amendment no. 582 by Senators Frockt and Hasegawa on page 4, after line 15 to Senate Bill No. 6617.

The motion by Senator Hasegawa carried and amendment no. 582 was adopted by voice vote.

#### MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Senate Bill No. 6617 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt, Bailey and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6617.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6617 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

ENGROSSED SENATE BILL NO. 6617, 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.

#### INTRODUCTION OF GUESTS

The President welcomed and introduced representatives of the Pathfinders Club of Wenatchee, a co-ed scouting organization for juniors and teens, who were seated at the rostrum.

#### SECOND READING

SENATE BILL NO. 6292, by Senators Braun, Becker, Rivers and Sheldon

Eliminating the reduction in state basic education funding that occurs in counties with federal forest lands.

The measure was read the second time.

#### MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 6292 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6292.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6292 and the bill passed the Senate by the following vote:

Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carlyle, Chase, Dammeier, Dansel, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hewitt, Hill, Hobbs, Honeyford, King, Litzow, Miloscia, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Schoesler, Sheldon, Takko and Warnick

Voting nay: Senators Billig, Cleveland, Conway, Darneille, Hasegawa, Jayapal, Keiser, Lias, McAuliffe, McCoy, Mullet, Nelson, Pedersen and Rolfes

SENATE BILL NO. 6292, 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. 6286, by Senators Pearson, Roach, Padden, Takko, Hargrove, Billig, Hewitt and Conway

Concerning reimbursement of correctional employees for offender assaults.

#### MOTIONS

On motion of Senator Pearson, Substitute Senate Bill No. 6286 was substituted for Senate Bill No. 6286 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pearson, the rules were suspended, Substitute Senate Bill No. 6286 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Roach 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. 6286.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6286 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe,

McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

SUBSTITUTE SENATE BILL NO. 6286, 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.

#### INTRODUCTION OF GUESTS

The President welcomed and introduced fourth grade students from Truman Elementary, Vancouver, and their advisor Ms. Katie Siira, guests of Senator Annette Cleveland, who were seated in the gallery.

#### SECOND READING

SENATE BILL NO. 6488, by Senators Becker, Parlette, Dammeier, Schoesler, Brown, Bailey, Honeyford and King

Directing the health care authority to apply for a federal innovation waiver to expand an employer-based coverage option with a portable health care account.

The measure was read the second time.

#### MOTION

On motion of Senator Becker, the rules were suspended, Senate Bill No. 6488 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Cleveland spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Habib, and without objection, Senator Jayapal was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6488.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6488 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Senator Hasegawa

Excused: Senator Jayapal

SENATE BILL NO. 6488, 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. 6238, by Senators Rivers, Keiser,

Cleveland, Miloscia and Chase

Allowing the prescription of schedule II controlled substances to treat certain disease states and conditions. Revised for 1st Substitute: Allowing the prescription of a schedule II controlled substance to treat a binge eating disorder.

#### MOTIONS

On motion of Senator Rivers, Substitute Senate Bill No. 6238 was substituted for Senate Bill No. 6238 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rivers, the rules were suspended, Substitute Senate Bill No. 6238 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Cleveland 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. 6238.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6238 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

SUBSTITUTE SENATE BILL NO. 6238, 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.

Senator Fain announced a meeting of the Ways & Means Committee in the Majority Leader's Office immediately upon going at ease.

Senator Fain announced a meeting of the Majority Coalition Caucus immediately upon adjournment of the Ways & Means Committee.

#### POINT OF ORDER

Senator Rolfes: "The announcement of the Ways & Means Committee that came via email said Senate Hearing Room 4 so I just want to be clear it's in Senator Schoesler's office, and I don't know what public notice changes we have to make."

#### MOTION

At 11:58 a.m., on motion of Senator Fain, and without objection, the Senate was declared to be at ease subject to the call of the President.

---

#### AFTERNOON SESSION

---

The Senate was called to order at 2:09 p.m. by the President of the Senate, Lt. Governor Owen presiding.

per day during regular daily sessions.

MOTION

On motion of Senator Fain, and without objection, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

February 16, 2016

SB 6100 Prime Sponsor, Senator Chase: Establishing an economic gardening pilot program. 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; Darneille; Hasegawa; O'Ban; Padden; Parlette; Rolfes; Schoesler and Warnick.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, and without objection, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

On motion of Senator Fain, and without objection, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 15, 2016

MR. PRESIDENT:

The House has passed:

- SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094,
- ENGROSSED HOUSE BILL NO. 2033,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2545,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2604,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2785,
- SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2906

and the same are herewith transmitted.

BERNARD DEAN, Deputy Chief Clerk

MOTION

On motion of Senator Fain, and without objection, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Fain, and without objection, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one

MOTION

Senator Padden moved adoption of the following resolution:

SENATE RESOLUTION

8725

By Senators Padden, Takko, Baumgartner, Brown, Rolfes, Schoesler, Angel, Benton, Roach, Litzow, Bailey, King, Ericksen, Warnick, O'Ban, Sheldon, Hargrove, Miloscia, Braun, Fain, Becker, Parlette, Hobbs, Dammeier, and Hill

WHEREAS, Justice Antonin Gregory Scalia will go down in history as one of the most transformational Supreme Court justices our country has ever witnessed; and

WHEREAS, Justice Scalia, son of an Italian immigrant, was valedictorian of his 1957 class at Georgetown University and graduated from Harvard Law School in 1960; and

WHEREAS, Justice Scalia launched his legal career at an international firm, but in 1967 decided to follow his passion to teach law at the University of Virginia; and

WHEREAS, Justice Scalia received his first political appointment in 1971 from President Richard Nixon; and

WHEREAS, Just before President Ford's inauguration in 1974, Justice Scalia became head of the Office of Legal Counsel at the United States Department of Justice, returning to teaching law during President Carter's term, this time at the University of Chicago; and

WHEREAS, In 1982, President Ronald Reagan nominated Justice Scalia to the United States Court of Appeals for the District of Columbia; and

WHEREAS, In 1986, President Reagan appointed Justice Scalia an Associate Justice of the Supreme Court of the United States, an appointment confirmed unanimously by the United States Senate; and

WHEREAS, Justice Scalia, an avid hunter and rugged individualist until the end, died on February 13, 2016, at the untimely age of 79 while on a hunting trip in Texas; and

WHEREAS, Justice Scalia was the longest-serving member of the current Supreme Court at the time of his death, and with nearly 30 years on the Court was among the longest-serving associate justices in history; and

WHEREAS, Justice Scalia was regarded as a staunch advocate of free speech and a leading conservative voice on the Supreme Court; and

WHEREAS, Justice Scalia also stood out for his textualist interpretation that put emphasis on the actual words in the Constitution itself and for vehemently guarding against other modes of interpretation by which judges imposed their own policy preferences onto cases; and

WHEREAS, Justice Scalia, a devout Roman Catholic and father of nine children, dedicated his life to protecting every American's right to the constitutional protections granted to us by our Founding Fathers; and

WHEREAS, Justice Scalia held a close and unbreakable friendship with his ideological opposite, Justice Ruth Bader Ginsburg, and relished their intellectual debates; and

WHEREAS, Their friendship provided an example of how criticism of ideas does not have to be criticism of people and showed how hard-fought debate could still result in civil relations;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor the memory of Justice Antonin Scalia for his dedication to

service, his intellectual rigor, his example of friendship and civility across the ideological divide, and his passion for individual liberty, rule of law, and the text of the Constitution of the United States; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the United States Supreme Court and to the friends and family of Justice Antonin Scalia.

Senators Padden, Sheldon, Hobbs, Dansel, Baumgartner and O'Ban spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8725.

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

#### MOTION

On motion of Senator Fain, and without objection, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 6195, by Senate Committee on Ways & Means (originally sponsored by Senators Rivers, Rolfes, Litzow and Billig)

Concerning basic education obligations.

#### MOTION

On motion of Senator Rivers, Second Substitute Senate Bill No. 6195 was substituted for Senate Bill No. 6195 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Rivers moved that the following striking amendment no. 625 by Senator Rivers be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. INTENT. During the past two biennia, the legislature has demonstrated its commitment to funding education through strong bipartisan support for funding its statutory formulas for: Pupil transportation; materials, supplies, and operating costs; full-day kindergarten; and class size reductions. In the 2015-2017 biennial budget, the legislature specifically increased funding to reduce class sizes in grades K-3. The legislature further included the previously scheduled 2017-2019 biennium completion of K-3 class size reduction funding in its adopted four-year budget outlook. The legislature has planned for and is fully committed to completing the scheduled phase in of K-3 class size reduction in the 2017-2019 biennium.

The state is fully committed to funding its program of basic education as defined in statute and to eliminating school district dependency on local levies for implementation of the state's program of basic education. It is the intent of the legislature to provide state funding for competitive salaries and benefits that are sufficient to hire and retain competent certificated instructional staff, administrators, and classified staff. Additionally, the legislature intends to minimize any disruptive impact to school districts and taxpayers.

The legislature finds that the lack of transparency in school district data regarding how districts use local levy funds limits its

ability to make informed decisions concerning teacher compensation. Previous studies have analyzed market data for educator compensation and have provided recommendations on revisions to state allocation formulas, but these studies did not provide data and analysis of compensation paid by districts above basic education salary allocations above the statutory prototypical school model, the source of funding for this compensation, and the duties, uses, or categories for which that compensation is paid. This foundational data is necessary to inform the legislature's decisions.

NEW SECTION. Sec. 2. EDUCATION FUNDING TASK FORCE ESTABLISHED. (1) The education funding task force is established to continue the work of the governor's informal work group to review the data and analysis provided by the consultant retained under section 3 of this act and must make recommendations to the legislature on implementing the program of basic education as defined in statute.

(2) Using the data and analysis provided by the consultant and the previous body of work provided to the legislature, the task force must, at a minimum, make recommendations for compensation that is sufficient to hire and retain the staff funded under the statutory prototypical school funding model and an associated salary allocation model. The recommendations must also include provisions indicating whether:

(a) A system for future salary adjustments should be incorporated into the salary allocation model and if so, the method for providing the adjustment; and

(b) A local labor market adjustment formula should be incorporated into the salary allocation model and if so, the method for providing the adjustment. This must include considerations for rural and remote districts and districts with economic and distressing factors that affect recruitment and retention.

(3) The task force must review available information to determine whether additional state legislation is needed to help school districts to support state-funded all-day kindergarten and class size reduction in kindergarten through third grade.

(4) The task force must review the report on addressing the problem of teacher shortages prepared by the professional educator standards board. The task force must make recommendations for improving or expanding existing educator recruitment and retention programs.

(5) The task force must also make recommendations regarding:

(a) Local maintenance and operation levies and local effort assistance;

(b) Local school district collective bargaining;

(c) Clarifying the distinction between services provided as part of the state's statutory program of basic education and services that may be provided as local enrichment;

(d) Required district reporting, accounting, and transparency of data and expenditures;

(e) The provision and funding method for school employee health benefits; and

(f) Sources of state revenue to support the state's statutory program of basic education.

(6) The task force consists of the following members:

(a) Eight legislators, with two members from each of the two largest caucuses of the senate appointed by the leaders of each of the two largest caucuses of the senate, and two members from each of the two largest caucuses of the house of representatives appointed by the speaker of the house of representatives; and

(b) The governor or the governor's designee as a nonvoting member to serve as facilitator.

(7) Recommendations of the task force require the affirmative vote of five of its members.

(8) Staff support for the task force must be provided by the

THIRTY SEVENTH DAY, FEBRUARY 16, 2016

2016 REGULAR SESSION

house of representatives office of program research and senate committee services, with additional staff support provided by the office of financial management.

(9) Meetings of the task force shall comply with Joint Rule 10, Senate Rule 45, and House of Representatives Rule 24.

(10) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(11) The task force recommendations and any supporting legislation must be submitted to the legislature by January 9, 2017.

**NEW SECTION. Sec. 3. ANALYSIS OF K-12 PUBLIC SCHOOL STAFF COMPENSATION.** (1) In consultation with the education funding task force established in section 2 of this act, the Washington state institute for public policy shall contract for independent professional consulting services to:

(a) Collect K-12 public school staff total compensation data, and within that data, provide an analysis of compensation paid in addition to basic education salary allocations under the statutory prototypical school model, source of funding, and the duties, uses, or categories for which that compensation is paid;

(b) Identify market rate salaries that are comparable to each of the staff types in the prototypical school funding model; and

(c) Provide analysis regarding whether a local labor market adjustment formula should be implemented and if so which market adjustment factors and methods should be used.

(2) The superintendent of public instruction must collect, and school districts and other applicable local education agencies must provide, compensation data necessary to implement this section with sufficient time for the consultant to accomplish the work required by this section. Data must be in the format necessary to meet the needs of the consultant. The superintendent of public instruction must provide this information to the Washington state institute for public policy, the office of financial management, and the education funding task force, for use by the consultant and the task force.

(3) The consultant must provide an interim report to the education funding task force and the governor by September 1, 2016.

(4) The consultant's final data and analysis must be provided to the education funding task force and the governor by November 15, 2016.

**NEW SECTION. Sec. 4. LOCAL LEVIES—LEGISLATIVE ACTION.** Legislative action shall be taken by the end of the 2017 session to eliminate school district dependency on local levies for implementation of the state's program of basic education.

**NEW SECTION. Sec. 5. APPROPRIATIONS.** (1) The sum of two hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2016, from the general fund to The Evergreen State College to fund the Washington state institute for public policy contract with independent professional consulting services as required in section 3 of this act.

(2) The sum of two hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2017, from the general fund to The Evergreen State College to fund the Washington state institute for public policy contract with independent professional consulting services as required in section 3 of this act.

**NEW SECTION. Sec. 6. EXPIRATION DATE.** This act expires June 30, 2017.

**NEW SECTION. Sec. 7.** 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 "obligations;" strike the remainder of the title and insert "creating new sections; making appropriations; providing an expiration date; and declaring an emergency."

Senator Rivers spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 625 by Senator Rivers to Second Substitute Senate Bill No. 6195.

The motion by Senator Rivers carried and striking amendment no. 625 was adopted by voice vote.

**MOTION**

On motion of Senator Rivers, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers, Dammeier, Ericksen, Hargrove, Litzow, Nelson and Ranker spoke in favor of passage of the bill.

Senators Baumgartner, Dansel, Frockt, Hasegawa, Habib, McAuliffe and Pedersen spoke against passage of the bill.

**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 final passage of Engrossed Second Substitute Senate Bill No. 6195.

**ROLL CALL**

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6195 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Brown, Cleveland, Conway, Dammeier, Fain, Fraser, Hargrove, Hewitt, Hill, Hobbs, Honeyford, King, Litzow, Miloscia, Mullet, Nelson, O'Ban, Ranker, Rivers, Rolfes, Schoesler and Takko

Voting nay: Senators Baumgartner, Benton, Braun, Carlyle, Chase, Dansel, Darneille, Ericksen, Frockt, Habib, Hasegawa, Jayapal, Keiser, Liias, McAuliffe, McCoy, Padden, Parlette, Pearson, Pedersen, Roach, Sheldon and Warnick

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6195, 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. 6155, by Senators Roach, McCoy, Takko and Warnick

Concerning county payroll draw days.

The measure was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 6155 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and McCoy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6155.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6155 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Dassel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

SENATE BILL NO. 6155, 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. 6149, by Senators Keiser, Conway, Jayapal, Cleveland, Rolfes, Fraser, Litzow, Fain, Nelson, Habib, Chase, Mullet, Lias, Pedersen, Takko, Hasegawa, Ranker, Frockt, Hill, Benton and Billig

Providing reasonable accommodations in the workplace for pregnant women.

#### MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6149 was substituted for Senate Bill No. 6149 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Keiser moved that the following striking amendment no. 629 by Senators Baumgartner and Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.10 RCW to read as follows:

(1) An employer must provide reasonable accommodations to an employee for a pregnancy-related or childbirth-related health condition if so requested, with written certification from a licensed health care provider, unless the employer demonstrates that the accommodation would impose an undue hardship on the operation of the employer's business. The employee must provide written notice to the employer stating that a health condition related to pregnancy or childbirth requires accommodation.

(2) Notwithstanding subsection (1) of this section, an employee who is pregnant or has a health condition related to pregnancy or childbirth shall not be required to obtain the advice of a licensed health care provider, nor may an employer claim undue hardship, for the following accommodations: (a) More frequent, longer, or flexible restroom, food, and water breaks; (b) seating; and (c) limits on lifting over twenty pounds.

(3) The employee and employer shall engage in an interactive process with respect to an employee's request for a reasonable accommodation. To assist in this process, the department shall post information in a printable format, such as a brochure, explaining the respective rights and responsibilities of the employer and the employee who has a health condition related to pregnancy or childbirth. Additionally, the department shall include information in the "Your Rights as a Worker" poster, or similar required workplace poster, regarding these respective rights and responsibilities.

(4) Notwithstanding any other provision of this section, an employer shall not be required to create a new or additional position in order to accommodate an employee pursuant to this section, and shall not be required to discharge any employee, transfer any other employee with greater seniority, or promote any employee.

(5) An employer shall not require an employee who has a pregnancy-related or childbirth-related health condition to accept an accommodation, if such accommodation is unnecessary to enable the employee to perform the job.

(6) An employer shall not:

(a) Take adverse action against an employee who requests or uses an accommodation under this section that affects the terms, conditions, or privileges of employment;

(b) Deny employment opportunities to an otherwise qualified employee if such denial is based on the employer's need to make reasonable accommodation required by this section; or

(c) Require an employee to take leave if another reasonable accommodation can be provided for the employee's pregnancy-related or childbirth-related health condition.

(7) This section does not preempt, limit, diminish, or otherwise affect any other provision of law relating to sex discrimination or pregnancy, or in any way diminish or limit the coverage for pregnancy, childbirth, or a pregnancy-related health condition.

(8) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Department" means the department of labor and industries.

(b) "Director" means the director of labor and industries.

(c) "Employee" means an individual employed by an employer.

(d) "Employer" means a person engaged in an industry who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, except that this section does not apply to an entity that is exempt from federal taxation under 26 U.S.C., Sec. 501(c).

(e) "Reasonable accommodation" means:

(i) Making existing facilities used by employees readily accessible to and usable by employees who have a pregnancy-related or childbirth-related disability;

(ii) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, or appropriate adjustment or modifications of examinations;

(iii) Temporary transfer to a less strenuous or hazardous position;

(iv) Limits on heavy lifting; and

(v) Scheduling flexibility for prenatal visits.

(f) "Undue hardship" means an action requiring significant

THIRTY SEVENTH DAY, FEBRUARY 16, 2016

2016 REGULAR SESSION

difficulty or expense.

(9) The attorney general shall investigate complaints and enforce this section. In addition to the complaint process with the attorney general, any aggrieved person injured by any act in violation of this section has a civil cause of action in court to enjoin further violations, or to recover the actual damages sustained by the person, or both, together with the cost of suit including reasonable attorneys' fees or any other appropriate remedy authorized by state or federal law."

On page 1, line 2 of the title, after "women;" strike the remainder of the title and insert "and adding a new section to chapter 43.10 RCW."

Senator Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 629 by Senators Baumgartner and Keiser to Senate Bill No. 6149.

The motion by Senator Keiser carried and striking amendment no. 629 was adopted by voice vote.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6149 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Baumgartner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6149.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6149 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

ENGROSSED SUBSTITUTE SENATE BILL NO. 6149, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5265, by Senators Benton, Mullet, Angel and Keiser

Allowing a public depository to arrange for reciprocal deposits of public funds.

The measure was read the second time.

#### MOTION

On motion of Senator Benton, the rules were suspended,

Senate Bill No. 5265 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5265.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5265 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

SENATE BILL NO. 5265, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6513, by Senators Warnick, Hobbs, Parlette, Takko, Hargrove and Honeyford

Concerning reservations of water. Revised for 1st Substitute: Concerning reservations of water in water resource inventory area 45. (REVISED FOR ENGROSSED: Concerning reservations of water in water resource inventory areas 18 and 45.)

#### MOTION

On motion of Senator Warnick, Substitute Senate Bill No. 6513 was substituted for Senate Bill No. 6513 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Warnick moved that the following striking amendment no. 595 by Senator Warnick be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 90.54 RCW to read as follows:

(1) The department shall act on all water rights applications that rely on the reservations of water established in WAC 173-518-080 or 173-545-090, as those provisions existed on the effective date of this section. The legislature declares that the reservations of water established in WAC 173-518-080 and 173-545-090, as those provisions existed on the effective date of this section, are consistent with legislative intent and are specifically authorized to be maintained and implemented by the department.

(2) This section does not affect the department's authority to lawfully adopt, amend, or repeal any rule, including WAC 173-518-080 or 173-545-090.

(3) This section may not be construed to prejudice any reservation of water not referenced in this section.

NEW SECTION. Sec. 2. 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, beginning on line 1 of the title, after "Relating to" strike the remainder of the title and insert "reservations of water in water resource inventory areas 18 and 45; adding a new section to chapter 90.54 RCW; and declaring an emergency."

Senators Warnick, Hargrove and McCoy spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 595 by Senator Warnick to Substitute Senate Bill No. 6513.

The motion by Senator Warnick carried and striking amendment no. 595 was adopted by voice vote.

On motion of Senator Warnick, the rules were suspended, Engrossed Substitute Senate Bill No. 6513 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Takko spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Habib, and without objection, Senator Jayapal was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6513.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6513 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Jayapal

ENGROSSED SUBSTITUTE SENATE BILL NO. 6513, 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. 6564, by Senators O'Ban, Fain, Keiser, McAuliffe, Hobbs, Conway, Angel, Frockt and Warnick

Providing protections for persons with developmental disabilities.

#### MOTION

On motion of Senator O'Ban, Second Substitute Senate Bill No. 6564 was substituted for Senate Bill No. 6564 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator O'Ban moved that the following striking amendment no. 598 by Senators Darneille and O'Ban be adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares that the prevalence of the abuse and neglect of individuals with developmental disabilities has become an issue that negatively affects the health and well-being of such individuals. In order to address this issue, the state seeks to increase visitation of clients who are classified at the highest risk of abuse and neglect based on the presentation of risk factors by developmental disabilities administration case managers, and to create an independent office of the developmental disabilities ombuds to monitor and report on services to persons with developmental disabilities.

NEW SECTION. Sec. 2. A new section is added to chapter 71A.12 RCW to read as follows:

At every developmental disabilities administration annual assessment, the case manager is required to meet with the client in an in-person setting. If the client is receiving personal care services or supported living services, the case manager must ask permission to view the client's living quarters and note his or her observations in the service episode record. If the case manager is unable to view the client's living quarters for any reason, the case manager must note this in his or her report along with the reason given for why this is not practicable at the current time.

NEW SECTION. Sec. 3. A new section is added to chapter 71A.12 RCW to read as follows:

(1) Within funds dedicated for this purpose, the developmental disabilities administration shall increase home visits for clients identified as having the highest risk of abuse and neglect.

(2)(a) The developmental disabilities administration must develop a process to determine which of its clients who receive an annual developmental disabilities assessment are at highest risk of abuse or neglect. The administration may consider factors such as:

(i) Whether the client lives with the client's caregiver and receives no other developmental disabilities administration services, or whether the client is largely or entirely dependent on a sole caregiver for assistance, and the caregiver is largely or entirely dependent on the client for his or her income;

(ii) Whether the client has limited ability to supervise the caregiver, to express himself or herself verbally, has few community contacts, or no independent person outside the home is identified to assist the client;

(iii) Whether the client has experienced a destabilizing event such as hospitalization, arrest, or victimization;

(iv) Whether the client has been the subject of an adult protective services or child protective services referral in the past year; or

(v) Whether the client lives in an environment that jeopardizes personal safety.

(b) The developmental disabilities administration must visit those clients identified as having the highest risk of abuse or neglect at least once every four months, including unannounced visits as needed. This unannounced visit may replace a scheduled visit; however if the case manager is unable to meet with the client, a follow-up visit must be scheduled. A client may refuse to allow an unannounced visit to take place, but this fact must be noted.

(3) The developmental disabilities administration may develop rules to implement this section.

Sec. 4. RCW 74.34.300 and 2008 c 146 s 10 are each amended to read as follows:

(1) The department ((may)) shall conduct a vulnerable adult

THIRTY SEVENTH DAY, FEBRUARY 16, 2016

2016 REGULAR SESSION

fatality review in the event of a death of a vulnerable adult when the department has reason to believe that the death of the vulnerable adult may be related to the abuse, abandonment, exploitation, or neglect of the vulnerable adult, or may be related to the vulnerable adult's self-neglect, and the vulnerable adult was:

(a) Receiving home and community-based services in his or her own home or licensed or certified settings, described under chapters 74.39 ((and)), 74.39A, 18.20, 70.128, and 71A.12 RCW, within sixty days preceding his or her death; or

(b) Living in his or her own home or licensed or certified settings described under chapters 74.39, 74.39A, 18.20, 70.128, and 71A.12 RCW and was the subject of a report under this chapter received by the department within twelve months preceding his or her death.

(2) When conducting a vulnerable adult fatality review of a person who had been receiving hospice care services before the person's death, the review shall provide particular consideration to the similarities between the signs and symptoms of abuse and those of many patients receiving hospice care services.

(3) All files, reports, records, communications, and working papers used or developed for purposes of a fatality review are confidential and not subject to disclosure pursuant to RCW 74.34.095.

(4) The department may adopt rules to implement this section.

NEW SECTION. Sec. 5. (1) There is created an office of the developmental disabilities ombuds. The department of commerce shall contract with a private, independent nonprofit organization to provide developmental disability ombuds services. The department of commerce shall designate, by a competitive bidding process, the nonprofit organization that will contract to operate the ombuds. The selection process must include consultation of stakeholders in the development of the request for proposals and evaluation of bids. The selected organization must have experience and the capacity to effectively communicate regarding developmental disabilities issues with policymakers, stakeholders, and the general public and must be prepared and able to provide all program and staff support necessary, directly or through subcontracts, to carry out all duties of the office.

(2) The contracting organization and its subcontractors, if any, are not state agencies or departments, but instead are private, independent entities operating under contract with the state.

(3) The governor or state may not revoke the designation of the organization contracted to provide the services of the ombuds except upon a showing of neglect of duty, misconduct, or inability to perform duties.

(4) The department of commerce shall ensure that the ombuds staff has access to sufficient training or experience with issues relating to persons with developmental disabilities and the program and staff support necessary to enable the ombuds to effectively protect the interests of persons with developmental disabilities. The office of the developmental disabilities ombuds shall have the powers and duties to do the following:

(a) Provide information as appropriate on the rights and responsibilities of persons receiving developmental disability administration services or other state services, and on the procedures for providing these services;

(b) Investigate, upon its own initiative or upon receipt of a complaint, an administrative act related to a person with developmental disabilities alleged to be contrary to law, rule, or policy, imposed without an adequate statement of reason, or based on irrelevant, immaterial, or erroneous grounds; however, the ombuds may decline to investigate any complaint;

(c) Monitor the procedures as established, implemented, and

practiced by the department to carry out its responsibilities in the delivery of services to a person with developmental disabilities, with a view toward appropriate preservation of families and ensuring health and safety;

(d) Review periodically the facilities and procedures of state institutions which serve persons with developmental disabilities and state-licensed facilities or residences;

(e) Recommend changes in the procedures for addressing the needs of persons with developmental disabilities;

(f) Submit annually, by November 1st, to the governor and appropriate committees of the legislature a report analyzing the work of the office, including recommendations;

(g) Establish procedures to protect the confidentiality of records and sensitive information to ensure that the identity of any complainant or person with developmental disabilities will not be disclosed without the written consent of the complainant or person, or upon court order;

(h) Maintain independence and authority within the bounds of the duties prescribed by this chapter, insofar as this independence and authority is exercised in good faith and within the scope of contract; and

(i) Carry out such other activities as determined by the department of commerce within the scope of this chapter.

(5) The developmental disabilities ombuds must consult with stakeholders to develop a plan for future expansion of the ombuds into a model of individual ombuds services akin to the operations of the long-term care ombuds. The developmental disabilities ombuds shall report its progress and recommendations related to this subsection to the governor and appropriate committees of the legislature by November 1, 2019.

NEW SECTION. Sec. 6. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administration" means the developmental disabilities administration of the department of social and health services.

(2) "Department" means the department of social and health services.

(3) "Ombuds" means the office of the developmental disabilities ombuds.

NEW SECTION. Sec. 7. The ombuds shall collaborate and have a memoranda of agreement with the office of the state long-term care ombuds, the office of the family and children's ombuds, Washington protection and advocacy system, the mental health ombuds, and the office of the education ombuds to clarify authority in those situations where their mandates overlap.

NEW SECTION. Sec. 8. (1) A developmental disabilities ombuds shall not have participated in the paid provision of services to any person with developmental disabilities within the past year.

(2) A developmental disabilities ombuds shall not have been employed in a governmental position with direct involvement in the licensing, certification, or regulation of a paid developmental disabilities service provider within the past year.

(3) No developmental disabilities ombuds or any member of his or her immediate family may have, or have had within the past year, any significant ownership or investment interest in a paid provider of services to persons with developmental disabilities.

(4) A developmental disabilities ombuds shall not be assigned to investigate a facility or provider of services which provides care or services to a member of that ombuds' immediate family.

NEW SECTION. Sec. 9. The ombuds shall treat all matters under investigation, including the identities of service recipients, complainants, and individuals from whom information is acquired, as confidential, except as far as disclosures may be necessary to enable the ombuds to perform the duties of the office

and to support any recommendations resulting from an investigation. Upon receipt of information that by law is confidential or privileged, the ombuds shall maintain the confidentiality of such information and shall not further disclose or disseminate the information except as provided by applicable state or federal law. Investigative records of the office of the ombuds are confidential and are exempt from public disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 10. (1) Identifying information about complainants or witnesses is not subject to any method of legal compulsion and may not be revealed to the legislature or the governor except under the following circumstances: (a) The complainant or witness waives confidentiality; (b) under a legislative subpoena when there is a legislative investigation for neglect of duty or misconduct by the ombuds or ombuds' office when the identifying information is necessary to the investigation of the ombuds' acts; or (c) under an investigation or inquiry by the governor as to neglect of duty or misconduct by the ombuds or ombuds' office when the identifying information is necessary to the investigation of the ombuds' acts. Consistently with this section, the ombuds must act to protect sensitive client information.

(2) For the purposes of this section, "identifying information" includes the complainant's or witness's name, location, telephone number, likeness, social security number or other identification number, or identification of immediate family members.

NEW SECTION. Sec. 11. The privilege described in section 10 of this act does not apply when:

(1) The ombuds or ombuds' staff member has direct knowledge of an alleged crime, and the testimony, evidence, or discovery sought is relevant to that allegation;

(2) The ombuds or a member of the ombuds' staff has received a threat of, or becomes aware of a risk of, imminent serious harm to any person, and the testimony, evidence, or discovery sought is relevant to that threat or risk; or

(3) The ombuds has been asked to provide general information regarding the general operation of, or the general processes employed at, the ombuds' office.

NEW SECTION. Sec. 12. (1) An employee of the office of the developmental disabilities ombuds is not liable for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against an employee of the department, an employee of the department of commerce, an employee of a contracting agency of the department, a provider of developmental disabilities services, or a recipient of department services for any communication made, or information given or disclosed, to aid the office of the developmental disabilities ombuds in carrying out its responsibilities, unless the communication or information is made, given, or disclosed maliciously or without good faith. This subsection is not intended to infringe on the rights of the employer to supervise, discipline, or terminate an employee for other reasons.

(3) All communications by an ombuds, if reasonably related to the requirements of that individual's responsibilities under this chapter and done in good faith, are privileged and that privilege serves as a defense in any action in libel or slander.

NEW SECTION. Sec. 13. When the ombuds or ombuds' staff member has reasonable cause to believe that any public official, employee, or other person has acted in a manner warranting criminal or disciplinary proceedings, the ombuds or ombuds' staff member shall report the matter, or cause a report to be made, to the appropriate authorities.

NEW SECTION. Sec. 14. The department and the department of health shall:

(1) Allow the ombuds or the ombuds' designee to

communicate privately with any person receiving services from the department, or any person who is part of a fatality or near fatality investigation involving a person with developmental disabilities, for the purposes of carrying out its duties under this chapter;

(2) Permit the ombuds or the ombuds' designee physical access to state institutions serving persons with developmental disabilities and information in the possession of the department concerning state-licensed facilities or residences for the purpose of carrying out its duties under this chapter;

(3) Upon the ombuds' request, grant the ombuds or the ombuds' designee the right to access, inspect, and copy all relevant information, records, or documents in the possession or control of the department or the department of health that the ombuds considers necessary in an investigation; and

(4) Grant the office of the developmental disabilities ombuds unrestricted online access to department information and data systems for the purpose of carrying out its duties under this chapter.

NEW SECTION. Sec. 15. Sections 5 through 14 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 1 of the title, after "disabilities;" strike the remainder of the title and insert "amending RCW 74.34.300; adding new sections to chapter 71A.12 RCW; adding a new chapter to Title 43 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of striking amendment no. 598 by Senators Darneille and O'Ban Second Substitute Senate Bill No. 6564.

The motion by Senator O'Ban carried and striking amendment no. 598 was adopted by voice vote.

#### MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6564 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6564.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6564 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Jayapal

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6564, 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. 6529, by Senators Hargrove, Miloscia, Hewitt, Pedersen and McAuliffe

Strengthening opportunities for the rehabilitation and reintegration of juvenile offenders.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6529 was substituted for Senate Bill No. 6529 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 6529 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6529.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6529 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Senator Dansel

Excused: Senator Jayapal

SUBSTITUTE SENATE BILL NO. 6529, 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. 6589, by Senators Bailey, Pearson and Warnick

Concerning a feasibility study to examine whether water storage would provide noninterruptible water resources to users of permit exempt wells.

The measure was read the second time.

MOTION

Senator McCoy moved that the following amendment no. 563 by Senator McCoy be adopted: On page 1, line 7, after "county," insert "tribes,"

On page 1, line 9, after "using" insert "small scale"

Senator McCoy spoke in favor of adoption of the amendment.

MOTION

Senator Bailey moved that the following amendment no. 569 by Senator Bailey to the amendment be adopted: On page 1, line 2 of the amendment, after "insert" strike "small scale" and insert "effectively sized"

Senators Bailey and McCoy spoke in favor of adoption of the amendment to the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 569 by Senator Bailey on page 1, line 2 to the amendment to Senate Bill No. 6589.

The motion by Senator Bailey carried and amendment no. 569 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of amendment no. 563 by Senator McCoy, as amended, on page 1, line 7 to Senate Bill No. 6589.

The motion by Senator McCoy carried and amendment no. 563, as amended, was adopted by voice vote.

MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed Senate Bill No. 6589 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey, McCoy, Takko and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6589.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6589 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

ENGROSSED SENATE BILL NO. 6589, 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. 6293, by Senators Braun, Bailey, Rivers, Conway and Sheldon

Addressing student volunteers. Revised for 1st Substitute: Addressing student volunteers and unpaid students.

MOTION

On motion of Senator Braun, Substitute Senate Bill No. 6293 was substituted for Senate Bill No. 6293 and the substitute bill

was placed on the second reading and read the second time.

#### MOTION

Senator Schoesler moved that the following amendment no. 583 by Senator Schoesler be adopted:

On page 2, after line 27, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 51.12 RCW to read as follows:

An employer who has registered and accepted the services of volunteers, who are eligible for medical aid benefits under this chapter, may annually elect to pay the premiums and assessments due under this title at the rate due for one hundred hours of volunteer service for each volunteer instead of tracking the actual number of hours for each volunteer. An employer selecting this option must use the method to cover all their volunteers for the calendar year."

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

The President declared the question before the Senate to be the adoption of amendment no. 583 by Senator Schoesler on page 2, after line 27 to Substitute Senate Bill No. 6293.

The motion by Senator Schoesler carried and amendment no. 583 was adopted by voice vote.

#### MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Substitute Senate Bill No. 6293 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6293.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6293 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator Takko

ENGROSSED SUBSTITUTE SENATE BILL NO. 6293, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Habib, and without objection, Senator Takko was excused.

#### SECOND READING

SENATE BILL NO. 6337, by Senators Darneille, Miloscia, McCoy, Hasegawa, Conway and Chase

Disposing tax foreclosed property to cities for affordable housing purposes.

#### MOTIONS

On motion of Senator Darneille, Substitute Senate Bill No. 6337 was substituted for Senate Bill No. 6337 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Darneille, the rules were suspended, Substitute Senate Bill No. 6337 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6337.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6337 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Dammeier, Darneille, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hill, Hobbs, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Roach, Rolfes and Takko

Voting nay: Senators Angel, Bailey, Baumgartner, Benton, Brown, Dansel, Ericksen, Hewitt, Honeyford, Padden, Rivers, Schoesler, Sheldon and Warnick

SUBSTITUTE SENATE BILL NO. 6337, 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. 6545, by Senator Ericksen

Creating a task force on Washington's clean energy economy.

The measure was read the second time.

#### MOTION

On motion of Senator Ericksen, the rules were suspended, Senate Bill No. 6545 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen, Chase and Warnick spoke in favor of passage of the bill.

Senator McCoy spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6545.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6545 and the bill passed the Senate by the following vote:

THIRTY SEVENTH DAY, FEBRUARY 16, 2016

2016 REGULAR SESSION

Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Chase, Conway, Dammeier, Dandel, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, King, Litzow, Miloscia, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Schoesler, Sheldon, Takko and Warnick

Voting nay: Senators Billig, Carlyle, Cleveland, Darneille, Habib, Jayapal, Keiser, Liias, McAuliffe, McCoy, Mullet, Nelson, Pedersen and Rolfes

SENATE BILL NO. 6545, 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. 6409, by Senators Bailey, Frockt, Braun, Becker, Carlyle and Chase

Creating administrative efficiencies for institutions of higher education.

## MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6409 was substituted for Senate Bill No. 6409 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 6409 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Frockt spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6409.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6409 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Senators Chase, Hasegawa and McCoy

SUBSTITUTE SENATE BILL NO. 6409, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Fain, and without objection, the Senate advanced to the seventh order of business.

## THIRD READING

SENATE BILL NO. 5271, by Senators Roach, Hasegawa, Liias and Benton

Concerning standards adopted by the national fire protection association and the state building code council.

The bill was read on Third Reading.

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5271.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5271 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fraser, Frockt, Habib, Hasegawa, Hewitt, Hill, Hobbs, Jayapal, Keiser, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, Parlette, Pedersen, Ranker, Rivers, Roach, Rolfes, Takko and Warnick

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Brown, Dammeier, Dandel, Ericksen, Hargrove, Honeyford, King, O'Ban, Padden, Pearson, Schoesler and Sheldon

SENATE BILL NO. 5271, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Fain, and without objection, the Senate reverted to the sixth order of business.

## SECOND READING

SENATE BILL NO. 6475, by Senators Dandel, King, Takko and Frockt

Addressing political subdivisions purchasing health coverage through the public employees' benefits board program.

The measure was read the second time.

## MOTION

On motion of Senator Dandel, the rules were suspended, Senate Bill No. 6475 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dandel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6475.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6475 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hill, Hobbs, Honeyford,

Jayapal, Keiser, King, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

Absent: Senator Hewitt

SENATE BILL NO. 6475, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Habib, and without objection, Senator Keiser was excused.

#### SECOND READING

SENATE BILL NO. 6466, by Senators Habib, Dammeier, Darneille, Liias, Roach, Keiser, Frockt, Becker, Hasegawa, Conway and McAuliffe

Concerning student services for students with disabilities. Revised for 1st Substitute: Creating a work group to develop a plan for removing obstacles for higher education students with disabilities.

#### MOTIONS

On motion of Senator Habib, Substitute Senate Bill No. 6466 was substituted for Senate Bill No. 6466 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Habib, the rules were suspended, Substitute Senate Bill No. 6466 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Habib and Bailey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6466.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6466 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Keiser

SUBSTITUTE SENATE BILL NO. 6466, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Fain, and without objection, the Senate advanced to the seventh order of business.

#### THIRD READING

SENATE BILL NO. 5094, by Senators Brown, Hewitt, Sheldon and Hatfield

Allowing incremental electricity produced as a result of efficiency improvements to hydroelectric generation projects whose energy output is marketed by the Bonneville power administration to qualify as an eligible renewable resource under the energy independence act.

The bill was read on Third Reading.

Senators Brown, Baumgartner, Chase, Takko, Hobbs and Dansel spoke in favor of passage of the bill.

Senators McCoy and Ranker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5094.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5094 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

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

Voting nay: Senators Billig, Carlyle, Cleveland, Darneille, Fraser, Frockt, Habib, Hill, Jayapal, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

Excused: Senator Keiser

SENATE BILL NO. 5094, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Fain, and without objection, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 6117, by Senator Sheldon

Concerning notice against trespass.

#### MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 6117 was substituted for Senate Bill No. 6117 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 6117 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton, Ericksen, Dansel, Sheldon and Becker spoke in favor of passage of the bill.

Senators Pedersen, Liias and Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6117.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6117 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 6117, 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. 6525, by Senators Angel, Liias, Rolfes, Dammeier and Schoesler

Concerning the state building code council.

MOTION

On motion of Senator Angel, Substitute Senate Bill No. 6525 was substituted for Senate Bill No. 6525 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Angel moved that the following amendment no. 540 by Senator Angel be adopted:

On page 6, line 15, after "services" strike all material through "health." on line 16 and insert "and department of commerce energy program."

Senator Angel spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 540 by Senator Angel on page 6, line 15 to Substitute Senate Bill No. 6525.

The motion by Senator Angel carried and amendment no. 540 was adopted by voice vote.

MOTION

On motion of Senator Angel, the rules were suspended, Engrossed Substitute Senate Bill No. 6525 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Angel spoke in favor of passage of the bill.

Senator McCoy spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6525.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed

Substitute Senate Bill No. 6525 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

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

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Habib, Hargrove, Hasegawa, Jayapal, Keiser, McAuliffe, McCoy, Miloscia, Nelson, Pedersen and Ranker

ENGROSSED SUBSTITUTE SENATE BILL NO. 6525, 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.

STATEMENT FOR THE JOURNAL

In regards to a vote taken on Senate Bill 6525 on 16 February 2016, I inadvertently voted no on this bill but I intended to vote yes.

SENATOR MILOSCIA  
30th Legislative District

SECOND READING

SENATE BILL NO. 6196, by Senators McCoy and Ericksen

Modifying administrative processes for the utilities and transportation commission in managing deposits and cost reimbursements of the energy facility site evaluation council.

The measure was read the second time.

MOTION

On motion of Senator McCoy, the rules were suspended, Senate Bill No. 6196 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McCoy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6196.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6196 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Baumgartner

SENATE BILL NO. 6196, 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. 6349, by Senators Benton and Mullet

Concerning public funds and deposits.

The measure was read the second time.

## MOTION

Senator Benton moved that the following amendment no. 578 by Senator Benton be adopted:

On page 3, beginning on line 31, after "institution" strike all material through "liability" on line 36 and insert "((which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which)) that has been approved by the commission to hold public deposits, ((and which)) has segregated, for the benefit of the commission, eligible collateral having a value of not less than its maximum liability, and, unless otherwise provided for in this chapter, does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state;"

Senator Benton spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 578 by Senator Benton on page 3, line 31 to Senate Bill No. 6349.

The motion by Senator Benton carried and amendment no. 578 was adopted by voice vote.

## MOTION

On motion of Senator Benton, the rules were suspended, Engrossed Senate Bill No. 6349 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6349.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6349 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

ENGROSSED SENATE BILL NO. 6349, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Fain, and without objection, the Senate

advanced to the seventh order of business.

## THIRD READING

SENATE BILL NO. 5363, by Senators Padden, Dansel, Pearson, Roach, Rivers, Angel, Schoesler, Braun, Dammeier, Honeyford and Hewitt

Prohibiting the use of eminent domain for economic development.

The bill was read on Third Reading.

Senator Padden spoke in favor of passage of the bill.  
Senator Pedersen spoke against passage of the bill.

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

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5363 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

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

Voting nay: Senators Billig, Cleveland, Conway, Darneille, Fraser, Frockt, Habib, Hasegawa, Jayapal, Lias, McAuliffe, McCoy, Mullet, Nelson, Pedersen and Ranker

SENATE BILL NO. 5363, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Fain, and without objection, the Senate reverted to the sixth order of business.

## SECOND READING

SENATE BILL NO. 6427, by Senators Fain, Hargrove, Keiser, Honeyford, Rolfes and Roach

Specifying the documentation that must be provided to determine when sales tax applies to the sale of a motor vehicle to an enrolled tribal member. Revised for 1st Substitute: Specifying the documentation that must be provided to determine when sales tax applies to the sale of a motor vehicle to a tribal member.

## MOTION

On motion of Senator Fain, Substitute Senate Bill No. 6427 was substituted for Senate Bill No. 6427 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Fain moved that the following striking amendment no. 581 by Senator Fain be adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 82.08 RCW to read as follows:

THIRTY SEVENTH DAY, FEBRUARY 16, 2016

2016 REGULAR SESSION

(1)(a) State sales tax is not imposed on the sale of a motor vehicle: (i) If delivered to a tribe or tribal member in their Indian country, or (ii) if the sale is made to a tribe or tribal member in their Indian country. A tribal member is not required to reside in Indian country for the exemption under this section to apply. However, the tribal member must have tax exempt status as a member of the tribe upon whose Indian country delivery is made.

(b) In order to substantiate the tax exempt status of a tribal member, the seller must require presentation of one of the following:

- (i) The buyer's tribal membership or citizenship card;
- (ii) The buyer's certificate of tribal enrollment; or
- (iii) A letter signed by a tribal official confirming the buyer's tribal membership status.

(c)(i) To establish delivery for purposes of this section, the motor vehicle must be delivered to the tribe or tribal member in their Indian country. The seller must document the delivery by completing a declaration, in a form prescribed by the department, signed by the seller attesting that delivery was made to that location.

(ii) No other proof of delivery may be accepted in place of or required in addition to the requirements in (c)(i) of this subsection.

(2) If the sale is made to the tribe or tribal member in their Indian country, the requirements in subsection (1)(c) of this section do not apply.

(3) The seller must retain copies of the documentation required under subsection (1) of this section for the period required in RCW 82.32.070.

(4) Nothing in this section may be construed to affect, amend, or modify federal law or Washington state tax law as applied to a tribal member or tribe.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Indian country" has the same meaning as provided in 18 U.S.C. Sec. 1151.

(b) "Tribe" means a federally recognized tribe.

(c) "Tribal member" means an enrolled member of a federally recognized tribe."

On page 1, line 3 of the title, after "member;" strike the remainder of the title and insert "and adding a new section to chapter 82.08 RCW."

Senator Fain spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 581 by Senator Fain to Substitute Senate Bill No. 6427.

The motion by Senator Fain carried and striking floor amendment no. 581 was adopted by voice vote.

On motion of Senator Fain, the rules were suspended, Engrossed Substitute Senate Bill No. 6427 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fain spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6427.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6427 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

ENGROSSED SUBSTITUTE SENATE BILL NO. 6427, 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. 6354, by Senators Lias, Baumgartner, Carlyle, Frockt and Bailey

Adopting a higher education reverse transfer agreement plan. Revised for 1st Substitute: Concerning the development of higher education reverse transfer agreement plans.

#### MOTIONS

On motion of Senator Lias, Substitute Senate Bill No. 6354 was substituted for Senate Bill No. 6354 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Lias, the rules were suspended, Substitute Senate Bill No. 6354 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lias and Bailey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6354.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6354 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

SUBSTITUTE SENATE BILL NO. 6354, 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. 6169, by Senators Angel and Habib

Concerning easements in property tax foreclosures.

The measure was read the second time.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator McCoy and without objection, amendment no. 592 by Senator McCoy on page 1, line 15 to Senate Bill No. 6169 was withdrawn.

#### MOTION

On motion of Senator Angel, the rules were suspended, Senate Bill No. 6169 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6169.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6169 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

SENATE BILL NO. 6169, 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. 5894, by Senators Sheldon, Warnick, King and Padden

Addressing unlawful activities on certain properties.

The measure was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 5894 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon, Padden, Benton, Roach, Angel and Dansel spoke in favor of passage of the bill.

Senators Pedersen, Lias, Rolfes and Billig spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5894.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5894 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, Carlyle, Chase, Cleveland,

Conway, Darneille, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hobbs, Jayapal, Keiser, Lias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker, Rolfes and Takko

SENATE BILL NO. 5894, 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 Sheldon: "Thank you, Mr. President. I've had a tough day today. I've had a couple trespass bills that have really been tough, and yesterday I had a credit card stolen. The damn thing, I didn't even report it. The guy who stole it was charging so much less than my wife, I just let it go."

#### SECOND READING

SENATE BILL NO. 6459, by Senators Rivers, Takko, Litzow, Ranker, Ericksen, Benton and Pearson

Authorizing peace officers to assist the department of corrections with the supervision of offenders.

The measure was read the second time.

#### MOTION

On motion of Senator Rivers, the rules were suspended, Senate Bill No. 6459 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers, Pedersen and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6459.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6459 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Dammeier, Dansel, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

Voting nay: Senators Chase, Darneille, Hasegawa, Nelson and Ranker

SENATE BILL NO. 6459, 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. 6583, by Senators Miloscia, Padden, O'Ban, Pearson and Sheldon

Requiring the establishment of performance management systems at the state department of corrections.

#### MOTION

THIRTY SEVENTH DAY, FEBRUARY 16, 2016

2016 REGULAR SESSION

On motion of Senator Miloscia, Substitute Senate Bill No. 6583 was substituted for Senate Bill No. 6583 and the substitute bill was placed on the second reading and read the second time.

Hobbs, Jayapal, Keiser, Liias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker, Rolfes and Takko

MOTION

Senator Fraser moved that the following amendment no. 620 by Senator Fraser be adopted:

On page 2, beginning on line 12, after "(4)" strike all material through "(6)" on line 30

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

On page 2, beginning on line 37, after "assessments," strike all material through "section," on line 38

On page 3, beginning on line 6, strike all of section 2 and insert the following:

"NEW SECTION. Sec. 2. The Washington state institute for public policy shall conduct a study to estimate the comparative costs to the department of corrections of adopting the Baldrige excellence framework. The institute must examine the costs and resources associated with undergoing Baldrige assessments, and applying for a national quality award. The study must also include an examination of any estimated performance improvements and cost savings associated with implementation of the Baldrige framework compared to other recognized quality management systems. The study also shall identify the assessment questions most relevant to the department of corrections and the questions that are not relevant, in order to promote the most efficient use of state and federal resources. A report is due to the appropriate committees of the legislature by December 1, 2017."

On page 1, line 2 of the title, after "adding" strike the remainder of the title and insert "a new section to chapter 72.09 RCW; creating new sections; and declaring an emergency."

Senators Fraser, McAuliffe, Miloscia and Nelson spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 620 by Senator Fraser on page 2, line 12 to Substitute Senate Bill No. 6583.

The motion by Senator Fraser failed and amendment no. 620 was not adopted by voice vote.

MOTION

On motion of Senator Miloscia, the rules were suspended, Substitute Senate Bill No. 6583 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Miloscia 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. 6583.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6583 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, Carlyle, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Habib, Hargrove, Hasegawa,

SUBSTITUTE SENATE BILL NO. 6583, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:08 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President for the purpose of a dinner break and caucus.

---

EVENING SESSION

---

The Senate was called to order at 9:32 p.m. by the President of the Senate, Lt. Governor Owen presiding.

SECOND READING

SENATE BILL NO. 6265, by Senators King, Warnick, Bailey, Schoesler, Hasegawa, Conway, Takko, Nelson, Padden, Benton, Ericksen, Honeyford, Parlette and Hewitt

Concerning vehicle weight limits for the movement of agricultural commodities.

MOTION

On motion of Senator King, Substitute Senate Bill No. 6265 was substituted for Senate Bill No. 6265 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove demanded a division.

The President declared the question before the Senate to be the motion by Senator King that the measure be substituted.

The motion by Senator King carried and Substitute Senate Bill No. 6265 was substituted for Senate Bill No. 6265 and the substitute bill was placed on the second reading and read a second time on a rising vote.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 6265 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Hobbs 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. 6265.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6265 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Chase, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Hargrove, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Litzow, Miloscia, Mullet, O'Ban,

Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Takko and Warnick

Voting nay: Senators Billig, Carlyle, Cleveland, Frockt, Habib, Hasegawa, Jayapal, Liias, McAuliffe, McCoy, Nelson, Pedersen, Ranker and Rolfes

SUBSTITUTE SENATE BILL NO. 6265, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Fain, and without objection, the Senate advanced to the seventh order of business.

#### THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5243, by Senate Committee on Ways & Means (originally sponsored by Senators Honeyford, King, Keiser, Conway and Chase)

Concerning services provided by residential habilitation centers.

The bill was read on Third Reading.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5243.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5243 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Ericksen, Fraser, Frockt, Habib, Hasegawa, Hewitt, Honeyford, Jayapal, Keiser, King, Liias, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

Voting nay: Senators Angel, Brown, Fain, Hargrove, Hill, Hobbs and Litzow

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5243, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Fain, and without objection, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 6321, by Senators Baumgartner and Pedersen

Addressing certain exclusions from the definition of worker under industrial insurance statutes.

The measure was read the second time.

#### MOTION

Senator Baumgartner moved that the following striking amendment no. 588 by Senator Baumgartner be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 51.08.181 and 2008 c 102 s 5 are each amended to read as follows:

For the purposes of this title, any individual performing services that require registration under chapter 18.27 RCW or licensing under chapter 19.28 RCW for remuneration under an independent contract is not a worker when:

(1) The individual has been, and will continue to be, free from control or direction over the performance of the service, both under the contract of service and in fact. For the purposes of this chapter, requirements regarding sequencing, deadlines, or date and time of entry to a worksite do not constitute control or direction, nor do reasonable expectations of professional dress, conduct, demeanor, safety, or any other conditions specified in the agreement with the owner of the property or a higher tier contractor. This section does not affect the right of any party to enforce the agreement;

(2) The service is either outside the usual course of business for which the service is performed, or the service is performed outside all of the places of business of the enterprise for which the service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed;

(3) The individual is customarily engaged in ((an independently established)) a trade, occupation, profession, or business, of the same nature as that involved in the contract of service((, or the individual has a principal place of business for the business the individual is conducting that is eligible for a business deduction for federal income tax purposes other than that furnished by the employer for which the business has contracted to furnish services;

(4) On the effective date of the contract of service, the individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a schedule of expenses with the internal revenue service for the type of business the individual is conducting);

((5)) (4) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, the individual has an active and valid certificate of registration with the department of revenue, and an active and valid account with ((any other state agencies)) the department as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington. If checked quarterly or within a reasonable period before, during, and/or after the agreement, reliance on department of revenue and department published information constitutes compliance with this subsection;

((6)) (4) On the effective date of the contract of service, the individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business which the individual is conducting;)) and

((7)) (5) On the effective date of the contract of service, the individual has a valid contractor registration pursuant to chapter 18.27 RCW or an electrical contractor license pursuant to chapter

THIRTY SEVENTH DAY, FEBRUARY 16, 2016

2016 REGULAR SESSION

19.28 RCW. If checked quarterly or within a reasonable period before, during, and/or after the agreement, reliance on department published information constitutes compliance with this subsection."

On page 1, line 2 of the title, after "statutes;" strike the remainder of the title and insert "and amending RCW 51.08.181."

Senator Baumgartner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 588 by Senator Baumgartner to Senate Bill No. 6321.

The motion by Senator Baumgartner carried and striking amendment no. 588 was adopted by voice vote.

#### MOTION

On motion of Senator Baumgartner, the rules were suspended, Engrossed Senate Bill No. 6321 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner and Pedersen spoke in favor of passage of the bill.

Senators Hasegawa, Conway and Liias spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6321.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6321 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

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

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hobbs, Jayapal, Keiser, Liias, McAuliffe, McCoy, Nelson, Ranker, Rolfes and Takko

ENGROSSED SENATE BILL NO. 6321, 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. 6289, by Senators Baumgartner and Hobbs

Addressing the use of a digital platform to employ certain independent contractors.

#### MOTIONS

On motion of Senator Baumgartner, Substitute Senate Bill No. 6289 was substituted for Senate Bill No. 6289 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Baumgartner, the rules were suspended, Substitute Senate Bill No. 6289 was advanced to third reading,

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

Senators Baumgartner and Hobbs spoke in favor of passage of the bill.

Senators Hasegawa, Liias and Conway spoke against passage of the bill.

#### 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 final passage of Substitute Senate Bill No. 6289.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6289 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 6289, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator 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.

#### SECOND READING

SENATE BILL NO. 6534, by Senators O'Ban and Becker

Establishing a maternal mortality review panel.

#### MOTION

On motion of Senator O'Ban, Second Substitute Senate Bill No. 6534 was substituted for Senate Bill No. 6534 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator O'Ban moved that the following striking amendment no. 617 by Senator O'Ban be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.54 RCW to read as follows:

(1) For the purposes of this section, "maternal mortality" or "maternal death" means a death of a woman while pregnant or within one year of delivering or following the end of a pregnancy, whether or not the woman's death is related to or aggravated by the pregnancy.

(2) A maternal mortality review panel is established to conduct comprehensive, multidisciplinary reviews of maternal deaths in Washington to identify factors associated with the deaths and make recommendations for system changes to improve health care services for women in this state. The members of the panel must be appointed by the secretary of the department of health, must serve without compensation, and may include:

- (a) An obstetrician;
- (b) A physician specializing in maternal fetal medicine;
- (c) A neonatologist;
- (d) A midwife with licensure in the state of Washington;
- (e) A representative from the department of health who works in the field of maternal and child health;
- (f) A department of health epidemiologist with experience analyzing perinatal data;
- (g) A pathologist; and
- (h) A representative of the community mental health centers.

(3) The maternal mortality review panel must conduct comprehensive, multidisciplinary reviews of maternal mortality in Washington. The panel may not call witnesses or take testimony from any individual involved in the investigation of a maternal death or enforce any public health standard or criminal law or otherwise participate in any legal proceeding relating to a maternal death.

(4)(a) The maternal mortality review panel's proceedings, records, and opinions are confidential and are not subject to disclosure under chapter 42.56 RCW. Panel members may not be questioned in any civil or criminal proceeding regarding the information presented in or opinions formed as a result of a meeting of the panel. This subsection does not prevent a member of the panel from testifying to information obtained independently of the panel or which is public information.

(b) The maternal mortality review panel and the secretary of the department of health may retain identifiable information regarding facilities where maternal deaths, or from which the patient was transferred, occur and geographic information on each case solely for the purposes of trending and analysis over time. All individually identifiable information must be removed before any case review by the panel.

(5) The department of health shall review department available data to identify maternal deaths. To aid in determining whether a maternal death was related to or aggravated by the pregnancy, and whether it was preventable, the department of health has the authority to:

(a) Access all data relating to maternal deaths provided under RCW 70.56.020;

(b) Request and receive data for specific maternal deaths including, but not limited to, full medical records, root cause analyses, autopsy reports, medical examiner reports, coroner reports, and social service records; and

(c) Request and receive data as described in (b) of this subsection from health care providers, health care facilities, clinics, laboratories, medical examiners, coroners, professions and facilities licensed by the department of health, local health jurisdictions, the health care authority and its licensees and providers, and the department of social and health services and its licensees and providers.

(6) By July 1, 2017, and biennially thereafter, the maternal mortality review panel must submit a report to the secretary of the department of health and the health care committees of the senate and house of representatives. The report must protect the confidentiality of all decedents and other participants involved in any incident. The report must be distributed to relevant stakeholder groups for performance improvement. Interim results may be shared at the Washington state hospital association coordinated quality improvement program. The report must include the following:

(a) A description of the maternal deaths reviewed by the panel during the preceding twenty-four months, including statistics and causes of maternal deaths presented in the aggregate, but the report must not disclose any identifying information of patients, decedents, providers, and organizations involved; and

(b) Evidence-based system changes and possible legislation to improve maternal outcomes and reduce preventable maternal deaths in Washington.

(7) This section expires June 30, 2020."

On page 1, line 2 of the title, after "panel;" strike the remainder of the title and insert "adding a new section to chapter 70.54 RCW; and providing an expiration date."

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

The President declared the question before the Senate to be the adoption of striking amendment no. 617 by Senator O'Ban to Second Substitute Senate Bill No. 6534.

The motion by Senator O'Ban carried and striking amendment no. 617 was adopted by voice vote.

On motion of Senator O'Ban, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6534 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6534.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6534 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6534, 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. 6601, by Senators Frockt, Bailey, Braun, Mullet, Carlyle and McAuliffe

THIRTY SEVENTH DAY, FEBRUARY 16, 2016

2016 REGULAR SESSION

Creating the Washington college savings program.

MOTION

On motion of Senator Frockt, Second Substitute Senate Bill No. 6601 was substituted for Senate Bill No. 6601 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Frockt moved that the following striking amendment no. 626 by Senator Frockt be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.95.010 and 1997 c 289 s 1 are each amended to read as follows:

(1) The Washington advanced college tuition payment program is established to help make higher education affordable and accessible to all citizens of the state of Washington by offering a savings incentive that will protect purchasers and beneficiaries against rising tuition costs. ((The program is))

(2) Subject to the availability of amounts appropriated for this specific purpose, the Washington college savings program is established to provide an additional financial option for individuals, organizations, and families to save for college.

(3) These programs are designed to encourage savings and enhance the ability of Washington citizens to obtain financial access to institutions of higher education. In addition, the programs encourage(s) elementary and secondary school students to do well in school as a means of preparing for and aspiring to higher education attendance. ((This program is)) These programs are intended to promote a well-educated and financially secure population to the ultimate benefit of all citizens of the state of Washington.

Sec. 2. RCW 28B.95.020 and 2015 3rd sp.s. c 36 s 6 are each amended to read as follows:

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

(1) "Academic year" means the regular nine-month, three-quarter, or two-semester period annually occurring between August 1st and July 31st.

(2) "Account" means the Washington advanced college tuition payment program account established for the deposit of all money received by the office from eligible purchasers and interest earnings on investments of funds in the account, as well as for all expenditures on behalf of eligible beneficiaries for the redemption of tuition units and for the development of any authorized college savings program pursuant to RCW 28B.95.150.

(3) "College savings program account" means the Washington college savings program account established pursuant to RCW 28B.95.010.

(4) "Committee on advanced tuition payment and college savings" or "committee" means a committee of the following members: The state treasurer, the director of the office of financial management, the director of the office, or their designees, and two members to be appointed by the governor, one representing program participants and one private business representative with marketing, public relations, or financial expertise.

((4)) (5) "Contractual obligation" means a legally binding contract of the state with the purchaser and the beneficiary establishing that purchases of tuition units in the advanced college tuition payment program will be worth the same number of tuition

units at the time of redemption as they were worth at the time of the purchase, except as provided in RCW 28B.95.030(7).

((5)) (6) "Dual credit fees" means any fees charged to a student for participation in college in the high school under RCW 28A.600.290 or running start under RCW 28A.600.310.

((6)) (7) "Eligible beneficiary" means the person ((for whom the tuition unit will be redeemed for attendance at an institution of higher education, participation in college in the high school under RCW 28A.600.290, or participation in running start under RCW 28A.600.310. The beneficiary is that person named by the purchaser at the time that a tuition unit contract is accepted by the governing body)) designated as the individual whose education expenses are to be paid from the advanced college tuition payment program or the college savings program. Qualified organizations, as allowed under section 529 of the federal internal revenue code, purchasing tuition unit contracts as future scholarships need not designate a beneficiary at the time of purchase.

((7)) (8) "Eligible contributor" means an individual or organization that contributes money for the purchase of tuition units, and for an individual college savings program account established pursuant to this chapter for an eligible beneficiary.

(9) "Eligible purchaser" means an individual or organization that has entered into a tuition unit contract with the governing body for the purchase of tuition units in the advanced college tuition payment program for an eligible beneficiary, or that has entered into a participant college savings program account contract for an eligible beneficiary. The state of Washington may be an eligible purchaser for purposes of purchasing tuition units to be held for granting Washington college bound scholarships.

((8)) (10) "Full-time tuition charges" means resident tuition charges at a state institution of higher education for enrollments between ten credits and eighteen credit hours per academic term.

((9)) (11) "Governing body" means the committee empowered by the legislature to administer the Washington advanced college tuition payment program and the Washington college savings program.

((10)) (12) "Individual college savings program account" means the formal record of transactions relating to a Washington college savings program beneficiary.

(13) "Institution of higher education" means an institution that offers education beyond the secondary level and is recognized by the internal revenue service under chapter 529 of the internal revenue code.

((11)) (14) "Investment board" means the state investment board as defined in chapter 43.33A RCW.

((12)) (15) "Investment manager" means the state investment board, another state, or any other entity as selected by the governing body, including another college savings plan established pursuant to section 529 of the internal revenue code.

(16) "Office" means the office of student financial assistance as defined in chapter 28B.76 RCW.

((13)) (17) "Owner" means the eligible purchaser or the purchaser's successor in interest who shall have the exclusive authority to make decisions with respect to the tuition unit contract or the individual college savings program contract. The owner has exclusive authority and responsibility to establish and change the asset investment options for a beneficiaries' individual college savings program account.

(18) "Participant college savings program account contract" means a contract to participate in the Washington college savings program between an eligible purchaser and the office.

(19) "State institution of higher education" means institutions of higher education as defined in RCW 28B.10.016.

((14)) (20) "Tuition and fees" means undergraduate tuition

and services and activities fees as defined in RCW 28B.15.020 and 28B.15.041 rounded to the nearest whole dollar. For purposes of this chapter, services and activities fees do not include fees charged for the payment of bonds heretofore or hereafter issued for, or other indebtedness incurred to pay, all or part of the cost of acquiring, constructing, or installing any lands, buildings, or facilities.

((15)) (21) "Tuition unit contract" means a contract between an eligible purchaser and the governing body, or a successor agency appointed for administration of this chapter, for the purchase of tuition units in the advanced college tuition payment program for a specified beneficiary that may be redeemed at a later date for an equal number of tuition units, except as provided in RCW 28B.95.030(7).

((16)) (22) "Unit purchase price" means the minimum cost to purchase one tuition unit in the advanced college tuition payment program for an eligible beneficiary. Generally, the minimum purchase price is one percent of the undergraduate tuition and fees for the current year, rounded to the nearest whole dollar, adjusted for the costs of administration and adjusted to ensure the actuarial soundness of the account. The analysis for price setting shall also include, but not be limited to consideration of past and projected patterns of tuition increases, program liability, past and projected investment returns, and the need for a prudent stabilization reserve.

Sec. 3. RCW 28B.95.025 and 2011 1st sp.s. c 11 s 169 are each amended to read as follows:

The office shall maintain appropriate offices and employ and fix compensation of such personnel as may be necessary to perform the advanced college tuition payment program and the Washington college savings program duties. The office shall consult with the governing body on the selection, compensation, and other issues relating to the employment of the program director. The positions are exempt from classified service under chapter 41.06 RCW. The employees shall be employees of the office.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.95 RCW to read as follows:

(1) The Washington college savings program shall be administered by the committee, which shall be chaired by the director of the office. The committee shall be supported by staff of the office.

(2) The Washington college savings program shall consist of the college savings program account and the individual college savings program accounts, and shall allow an eligible purchaser to establish an individual college savings program account for an eligible beneficiary whereby the money in the account may be invested and used for enrollment at any institution of higher education that is recognized by the internal revenue service under chapter 529 of the internal revenue code. Money in the account may also be used to pay for dual credit fees.

(3) The Washington college savings program is open to eligible purchasers and eligible beneficiaries who are residents or nonresidents of Washington state.

(4) The Washington college savings program shall not require eligible purchasers to make an initial minimum contribution in any amount that exceeds twenty-five dollars when establishing a new account.

(5) The committee may contract with other state or nonstate entities that are authorized to do business in the state for the investment of moneys in the college savings program, including other college savings plans established pursuant to section 529 of the internal revenue code. The investment of eligible contributors' deposits may be in credit unions, savings and loan associations, banks, mutual savings banks, purchase life insurance, shares of an investment company, individual securities, fixed annuity

contracts, variable annuity contracts, any insurance company, other 529 plans, or any investment company licensed to contract business in this state.

(6) The governing body shall determine the conditions under which control or the beneficiary of an individual college savings program account may be transferred to another family member. In permitting such transfers, the governing body may not allow the individual college savings program account to be bought, sold, bartered, or otherwise exchanged for goods and services by either the beneficiary or the purchaser.

(7) The governing body shall promote, advertise, and publicize the Washington college savings program.

(8) The governing body shall develop materials to educate potential account owners and beneficiaries on (a) the differences between the advanced college tuition payment program and the Washington college savings program, and (b) how the two programs can complement each other to save towards the full cost of attending college.

(9) In addition to any other powers conferred by this chapter, the governing body may:

(a) Impose limits on the amount of contributions that may be made on behalf of any eligible beneficiary;

(b) Determine and set age limits and any time limits for the use of benefits under this chapter;

(c) Establish incentives to encourage participation in the Washington college savings program to include but not be limited to entering into agreements with any public or private employer under which an employee may agree to have a designated amount deducted in each payroll period from the wages due the employee for the purpose of making contributions to a participant college savings program account;

(d) Impose and collect administrative fees and charges in connection with any transaction under this chapter;

(e) Appoint and use advisory committees and the state actuary as needed to provide program direction and guidance;

(f) Formulate and adopt all other policies and rules necessary for the efficient administration of the program;

(g) Purchase insurance from insurers licensed to do business in the state, to provide for coverage against any loss in connection with the account's property, assets, or activities;

(h) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of its powers and duties under this chapter;

(i) Contract for the provision for all or part of the services necessary for the management and operation of the Washington college savings program with other state or nonstate entities authorized to do business in the state for the investment of moneys;

(j) Contract for other services or for goods needed by the governing body in the conduct of its business under this chapter;

(k) Contract with financial consultants, actuaries, auditors, and other consultants as necessary to carry out its responsibilities under this chapter;

(l) Solicit and accept gifts, bequests, cash donations, and grants from any person, governmental agency, private business, or organization; and

(m) Perform all acts necessary and proper to carry out the duties and responsibilities of the Washington college savings program under this chapter.

(10) It is the intent of the legislature to establish policy goals for the Washington college savings program. The policy goals established under this section are deemed consistent with creating a nationally competitive 529 savings plan. The Washington college savings program should support achievement of these policy goals:

(a) Process: To have an investment manager design a

THIRTY SEVENTH DAY, FEBRUARY 16, 2016

2016 REGULAR SESSION

thoughtful, well-diversified glide path for age-based portfolios and offer a robust suite of investment options;

(b) **People:** To have a well-resourced, talented, and long-tenured investment manager;

(c) **Parent:** To demonstrate that the committee is a good caretaker of college savers' capital and can manage the plan professionally;

(d) **Performance:** To demonstrate that the program's options have earned their keep with solid risk-adjusted returns over relevant time periods; and

(e) **Price:** To demonstrate that the investment options are a good value.

(11) The powers, duties, and functions of the Washington college savings program must be performed in a manner consistent with the policy goals in subsection (10) of this section.

(12) The policy goals in this section are intended to be the basis for establishing detailed and measurable objectives and related performance measures.

(13) It is the intent of the legislature that the committee establish objectives and performance measures for the investment manager to progress toward the attainment of the policy goals in subsection (10) of this section. The committee shall submit objectives and performance measures to the legislature for its review and shall provide an updated report on the objectives and measures before the regular session of the legislature during even-numbered years thereafter.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28B.95 RCW to read as follows:

(1) The committee shall create an expedited process by which owners can complete a direct rollover of a 529 account from (a) a state-sponsored prepaid tuition plan to a state-sponsored college savings plan, (b) a state-sponsored college savings plan to a state-sponsored prepaid tuition plan, or (c) a state-sponsored prepaid tuition plan or a state-sponsored college savings plan to an out-of-state eligible 529 plan.

(2) The committee shall report annually to the governor and the appropriate committees of the legislature on (a) the number of accounts that have been rolled into the Washington college savings program from out of state and (b) the number of accounts rolled out of the Washington college savings program to 529 plans into other states.

**Sec. 6.** RCW 28B.95.035 and 1998 c 69 s 3 are each amended to read as follows:

No member of the committee is liable for the negligence, default, or failure of any other person or members of the committee to perform the duties of office and no member may be considered or held to be an insurer of the funds or assets of any of the advanced college tuition payment program or any of the Washington college savings program.

**Sec. 7.** RCW 28B.95.040 and 2011 1st sp.s. c 11 s 171 are each amended to read as follows:

The governing body may, at its discretion, allow an organization to purchase tuition units or establish savings plans for future use as scholarships. Such organizations electing to purchase tuition units or establish Washington college savings program accounts for this purpose must enter into a contract with the governing body which, at a minimum, ensures that the scholarship shall be freely given by the purchaser to a scholarship recipient. For such purchases, the purchaser need not name a beneficiary until four months before the date when the tuition units are first expected to be used.

The governing body shall formulate and adopt such rules as are necessary to determine which organizations may qualify to purchase tuition units or establish Washington college savings program accounts for scholarships under this section. The

governing body also may consider additional rules for the use of tuition units or Washington college savings program accounts if purchased as scholarships.

The governing body may establish a scholarship fund with moneys from the Washington advanced college tuition payment program account. A scholarship fund established under this authority shall be administered by the office and shall be provided to students who demonstrate financial need. Financial need is not a criterion that any other organization need consider when using tuition units as scholarships. The office also may establish its own corporate-sponsored scholarship fund under this chapter.

**NEW SECTION. Sec. 8.** A new section is added to chapter 28B.95 RCW to read as follows:

(1) The Washington college savings program account is created in the custody of the state treasurer. The account shall be a discrete nontreasury account retaining its interest earnings in accordance with RCW 43.79A.040.

(2) The governing body shall deposit in the account all moneys received for the program. The account shall be self-sustaining and consist of payments received for the purposes of college savings for the beneficiary. With the exception of investment and operating costs associated with the investment of money by a nonstate entity or paid under RCW 43.08.190, 43.33A.160, and 43.84.160, the account shall be credited with all investment income earned by the account. Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. Money used for program administration is subject to the allotment of all expenditures. However, an appropriation is not required for such expenditures. Program administration includes, but is not limited to: The salaries and expenses of the Washington college savings program personnel including lease payments, travel, and goods and services necessary for program operation; contracts for Washington college savings program promotion and advertisement, audits, and account management; and other general costs of conducting the business of the Washington college savings program.

(3) The account is authorized to maintain a cash deficit in the account for a period no more than five fiscal years to defray its initial program administration costs. By December 31, 2017, the governing body shall establish a program administration spending plan and a fee schedule to discharge any projected cash deficit to the account. The legislature may make appropriations into the account for the purpose of reducing program administration costs.

(4) The assets of the account may be spent without appropriation for the purpose of making payments to institutions of higher education on behalf of the qualified beneficiaries, making refunds, transfers, or direct payments upon the termination of the Washington college savings program. Disbursements from the account shall be made only on the authorization of the governing body.

(5) With regard to the assets of the account, the state acts in a fiduciary, not ownership, capacity. Therefore the assets of the program are not considered state money, common cash, or revenue to the state.

**Sec. 9.** RCW 28B.95.080 and 2011 1st sp.s. c 12 s 3 are each amended to read as follows:

The governing body shall annually evaluate, and cause to be evaluated by the state actuary, the soundness of the advanced college tuition payment program account and determine the additional assets needed, if any, to defray the obligations of the account. The governing body may, at its discretion, consult with a nationally recognized actuary for periodic assessments of the account.

If funds are determined by the governing body, based on actuarial analysis to be insufficient to ensure the actuarial

soundness of the account, the governing body shall adjust the price of subsequent tuition credit purchases to ensure its soundness.

If there are insufficient numbers of new purchases to ensure the actuarial soundness of the account, the governing body shall request such funds from the legislature as are required to ensure the integrity of the program. Funds may be appropriated directly to the account or appropriated under the condition that they be repaid at a later date. The repayment shall be made at such time that the account is again determined to be actuarially sound.

Sec. 10. RCW 28B.95.090 and 2005 c 272 s 3 are each amended to read as follows:

(1) In the event that the ((state)) governing body determines that the advanced college tuition payment program is not financially feasible, or for any other reason, the ((state)) governing body may declare the discontinuance of the program. At the time of such declaration, the governing body will cease to accept any further tuition unit contracts or purchases.

(2) The remaining tuition units for all beneficiaries who have either enrolled in higher education or who are within four years of graduation from a secondary school shall be honored until such tuition units have been exhausted, or for ten fiscal years from the date that the program has been discontinued, whichever comes first. All other contract holders shall receive a refund equal to the value of the current tuition units in effect at the time that the program was declared discontinued.

(3) At the end of the ten-year period, any tuition units remaining unused by currently active beneficiaries enrolled in higher education shall be refunded at the value of the current tuition unit in effect at the end of that ten-year period.

(4) At the end of the ten-year period, all other funds remaining in the account not needed to make refunds or to pay for administrative costs shall be deposited to the state general fund.

(5) The governing body may make refunds under other exceptional circumstances as it deems fit, however, no tuition units may be honored after the end of the tenth fiscal year following the declaration of discontinuance of the program.

NEW SECTION. Sec. 11. A new section is added to chapter 28B.95 RCW to read as follows:

(1) The investment manager has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the Washington college savings program without limitation as to the amount pursuant to RCW 43.84.150 and 43.33A.140. All investment and operating costs associated with the investment of money must be paid to the investment manager as allowed by RCW 43.33A.160 and 43.84.160. With the exception of these expenses and the administrative costs authorized in sections 4 and 8 of this act, one hundred percent of all earnings from investments accrue directly to the owner of the individual college savings program account.

(2) The governing body may allow owners to self-direct the investment of moneys in individual college savings program accounts through the selection of investment options. The governing body may provide plans that it deems are in the interests of the owners and beneficiaries.

(a) The investment manager, after consultation with the governing body, shall provide a set of options for owners to choose from for investment of individual college savings program account contributions.

(b) The investment manager has the full authority to invest moneys pursuant to the investment directions of the owner of a self-directed individual college savings program account.

(3) Annually on each December 1st, the committee shall report to the governor and the appropriate committees of the legislature regarding the total fees charged to each investment option offered in the Washington college savings program. It is the intent of the

legislature that fees charged to the owner not exceed one-half of one percent for any investment option on an annual basis.

(4) In the next succeeding legislative session following receipt of a report required under subsection (3) of this section, the appropriate committees of the legislature shall review the report and consider whether any legislative action is necessary with respect to the investment option with fees that exceed one-half of one percent, including but not limited to consideration of whether any legislative action is necessary with respect to reducing the fees and expenses associated with the underlying investment option. With the exception of fees associated with the administration of the program authorized in sections 4 and 8 of this act, all moneys in the college savings program account, all property and rights purchased with the account, and all income attributable to the account, shall be held in trust for the exclusive benefit of the owners and their eligible beneficiaries.

(5) All investments made by the investment manager shall be made with the exercise of that degree of judgment and care expressed in chapter 43.33A RCW.

(6) As deemed appropriate by the investment manager, money in the Washington college savings program account may be commingled for investment with other funds subject to investment by the investment manager.

(7) The authority to establish all policies relating to the Washington college savings program and the Washington college savings program account, other than investment policies resides with the governing body. With the exception of expenses of the investment manager as provided in subsection (1) of this section, disbursements from the Washington college savings program account shall be made only on the authorization of the governing body or its designee, and moneys in the account may be spent only for the purposes of the Washington college savings program as specified in this chapter.

(8) The investment manager shall routinely consult and communicate with the governing body on the investment policy, earnings of the trust, and related needs of the Washington college savings program.

Sec. 12. RCW 28B.95.100 and 2000 c 14 s 7 are each amended to read as follows:

(1) The governing body, in planning and devising the advanced college tuition payment program and the Washington college savings program, shall consult with the investment board, the state treasurer, the office of financial management, and the institutions of higher education.

(2) The governing body may seek the assistance of the state agencies named in subsection (1) of this section, private financial institutions, and any other qualified party with experience in the areas of accounting, actuary, risk management, or investment management to assist with preparing an accounting of the programs and ensuring the fiscal soundness of the advanced college tuition payment program account and the Washington college savings program account.

(3) State agencies and public institutions of higher education shall fully cooperate with the governing body in matters relating to the programs in order to ensure the solvency of the advanced college tuition payment account and the Washington college savings program account and ability of the governing body to meet outstanding commitments.

NEW SECTION. Sec. 13. A new section is added to chapter 28B.95 RCW to read as follows:

The intent of the Washington college savings program is to make distributions from individual college savings program accounts for beneficiaries' attendance at public or private institutions of higher education. Refunds shall be issued under specific conditions that may include the following:

(1) Certification that the beneficiary, who is eighteen years of

THIRTY SEVENTH DAY, FEBRUARY 16, 2016

2016 REGULAR SESSION

age or older, will not attend a public or private institution of higher education, will result in a refund not to exceed the current value at the time of such certification. The refund shall be made no sooner than ninety days after such certification, less any administrative processing fees assessed by the governing body. Federal penalties and taxes associated with 529 savings plan refunds may still apply;

(2) If there is certification of the death or disability of the beneficiary, the refund shall be equal to one hundred percent of the current value at the time that such certification is submitted to the governing body, less any administrative processing fees assessed by the governing body;

(3) If there is certification by the student of graduation or program completion, the refund shall be as great as one hundred percent of the current value at the time that such certification is submitted to the governing body, less any administrative processing fees assessed by the governing body. The governing body may, at its discretion, impose a penalty if needed to comply with federal tax rules;

(4) If there is certification of other tuition and fee scholarships that will cover the cost of tuition for the eligible beneficiary, the refund shall be equal to one hundred percent of the current value in effect at the time of the refund request, less any administrative processing fees assessed by the governing body. The refund under this subsection may not exceed the value of the scholarship;

(5) Incorrect or misleading information provided by the purchaser or beneficiaries may result in a refund of the purchaser's and contributors' contributions, less any administrative processing fees assessed by the governing body. The value of the refund must not exceed the actual dollar value of the purchaser's or contributors' contributions; and

(6) The governing body may determine other circumstances qualifying for refunds of remaining unused participant Washington college savings program account balances and may determine the value of that refund.

NEW SECTION. Sec. 14. A new section is added to chapter 28B.95 RCW to read as follows:

With regard to bankruptcy filings and enforcement of judgments under Title 6 RCW, participant Washington college savings program account deposits made more than two years before the date of filing or judgment are considered excluded personal assets.

Sec. 15. RCW 28B.95.150 and 2012 c 198 s 16 are each amended to read as follows:

(1) The committee may establish a college savings program. If such a program is established, the college savings program shall be established, in such form as may be determined by the committee, to be a qualified state tuition program as defined by the internal revenue service under section 529 of the internal revenue code, and shall be administered in a manner consistent with the Washington advanced college tuition payment program. The committee, in planning and devising the program, shall consult with the state investment board, the state treasurer, the state actuary, the legislative fiscal and higher education committees, and the institutions of higher education. The governing body may, at its discretion, consult with a qualified actuarial consulting firm with appropriate expertise to evaluate such plans for periodic assessments of the program.

(2) Up to two hundred thousand dollars of administrative fees collected from guaranteed education tuition program participants may be applied as a loan to fund the development and start-up of a college savings program. This loan must be repaid with interest before the conclusion of the biennium following the biennium in which the committee draws funds for this purpose from the advanced college tuition payment program account.

(3) The committee, after consultation with the state investment board or other contracted investment manager, shall determine the investment policies for the college savings program. Program contributions may be invested by the state investment board, in which case it and not the committee shall determine the investment policies for the college savings program, or the committee may contract with an investment company licensed to conduct business in this state to do the investing. The committee shall keep or cause to be kept full and adequate accounts and records of the assets of each individual participant in the college savings program.

(4)(a) The governing body may elect to have the state investment board serve as investment manager for the funds in the college savings program. Members of the state investment board and its officers and employees are not considered an insurer of the funds or assets and are not liable for any action or inaction.

(b) Members of the state investment board and its officers and employees are not liable to the state, to the fund, or to any other person as a result of their activities as members, whether ministerial or discretionary, except for willful dishonesty or intentional violations of law. The state investment board in its discretion may purchase liability insurance for members.

(c) The state investment board retains all authority to establish all investment policies relating to the investment of college savings program moneys.

(d) The state investment board shall routinely consult and communicate with the committee on the investment policy, earnings of the accounts, and related needs of the college savings program.

(5) The owner has exclusive authority and responsibility to establish and change the asset allocation for an individual participant college savings program account.

(6) Neither the state nor any eligible educational institution may be considered or held to be an insurer of the funds or assets of the individual participant accounts in the college savings program created under this section nor may any such entity be held liable for any shortage of funds in the event that balances in the individual participant accounts are insufficient to meet the educational expenses of the institution chosen by the student for which the individual participant account was intended.

((5)) (7) The committee shall adopt rules to implement this section. Such rules shall include but not be limited to administration, investment management, recordkeeping, promotion, and marketing; compliance with internal revenue service standards and applicable securities regulations; application procedures and fees; start-up costs; phasing in the savings program and withdrawals therefrom; deterrents to early withdrawals and provisions for hardship withdrawals; and reenrollment in the savings program after withdrawal.

((6)) (8) The committee may, at its discretion, determine to cease operation of the college savings program if it determines the continuation is not in the best interest of the state. The committee shall adopt rules to implement this section addressing the orderly distribution of assets.

Sec. 16. RCW 28B.95.900 and 1997 c 289 s 11 are each amended to read as follows:

This chapter shall not be construed as a promise that any beneficiary shall be granted admission to any institution of higher education, will earn any specific or minimum number of academic credits, or will graduate from any such institution. In addition, this chapter shall not be construed as a promise of either course or program availability.

Participation in ((this)) the advanced college tuition payment program or the Washington college savings program does not guarantee an eligible beneficiary the right to resident tuition and

fees. To qualify for resident and respective tuition subsidies, the eligible beneficiary must meet the applicable provisions of RCW 28B.15.011 through 28B.15.015.

This chapter shall not be construed to imply that the redemption of tuition units in the advanced college tuition payment program shall be equal to any value greater than the undergraduate tuition and services and activities fees at a state institution of higher education as computed under this chapter. Eligible beneficiaries will be responsible for payment of any other fee that does not qualify as a services and activities fee including, but not limited to, any expenses for tuition surcharges, tuition overload fees, laboratory fees, equipment fees, book fees, rental fees, room and board charges, or fines.

Sec. 17. RCW 43.33A.135 and 2010 1st sp.s. c 7 s 36 are each amended to read as follows:

The state investment board has the full power to establish investment policy, develop participant investment options, and manage investment funds for the college savings program pursuant to RCW 28B.95.010 and for the state deferred compensation plan, consistent with the provisions of RCW 41.50.770 and 41.50.780. The board may continue to offer the investment options provided as of June 11, 1998, until the board establishes a deferred compensation plan investment policy and adopts new investment options after considering the recommendations of the department of retirement systems.

Sec. 18. RCW 43.33A.190 and 2000 c 247 s 701 are each amended to read as follows:

((Pursuant to RCW 41.34.130,)) The state investment board shall invest all self-directed investment moneys under teachers' retirement system plan 3, the school employees' retirement system plan 3, and the public employees' retirement system plan 3 pursuant to RCW 41.34.130 and under the college savings program pursuant to RCW 28B.95.010 with full power to establish investment policy, develop investment options, and manage self-directed investment funds.

Sec. 19. RCW 43.79A.040 and 2013 c 251 s 5 and 2013 c 88 s 1 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the

foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the multiagency permitting team account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, and the radiation perpetual maintenance fund.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 20. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 28B.95.010, 28B.95.020, 28B.95.025, 28B.95.035, 28B.95.040, 28B.95.080, 28B.95.090, 28B.95.100, 28B.95.150, 28B.95.900, 43.33A.135, and 43.33A.190; reenacting and amending RCW 43.79A.040; adding new sections to chapter 28B.95 RCW; and creating a new section."

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

The President declared the question before the Senate to be the adoption of striking amendment no. 626 by Senator Frockt to

THIRTY SEVENTH DAY, FEBRUARY 16, 2016

2016 REGULAR SESSION

Second Substitute Senate Bill No. 6601.

The motion by Senator Frockt carried and striking amendment no. 626 was adopted by voice vote.

On motion of Senator Frockt, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6601 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt, Braun, Bailey and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6601.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6601 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, Carlyle, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Erickson, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6601, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Habib, and without objection, Senator Hargrove was excused.

#### SECOND READING

SENATE BILL NO. 6356, by Senators Roach, Ranker, Takko, McCoy, Hobbs, Litzow, Fain, Hasegawa and Chase

Concerning disclosure of financial, commercial, and proprietary information of employees of private employers. Revised for 1st Substitute: Concerning disclosure of financial, commercial, and proprietary information of employees of private cloud service providers. (REVISED FOR ENGROSSED: Concerning disclosure of identifiable information and security information of certain employees of private cloud service providers.)

#### MOTION

On motion of Senator Roach, Substitute Senate Bill No. 6356 was substituted for Senate Bill No. 6356 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Roach moved that the following striking amendment no. 604 by Senator Roach be adopted:

Strike everything after the enacting clause and insert the

following:

"Sec. 1. RCW 42.56.420 and 2013 2nd sp.s. c 33 s 9 are each amended to read as follows:

The following information relating to security is exempt from disclosure under this chapter:

(1) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(a) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(b) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism;

(2) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, or secure facility for persons civilly confined under chapter 71.09 RCW, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility, secure facility for persons civilly confined under chapter 71.09 RCW, or any individual's safety;

(3) Information compiled by school districts or schools in the development of their comprehensive safe school plans under RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school;

(4) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities, and other such information the release of which may increase risk to the confidentiality, integrity, or availability of agency security, information technology infrastructure, or assets; ((and))

(5) The system security and emergency preparedness plan required under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180; and

(6) Personally identifiable information of employees, and other security information, of a private cloud service provider that has entered into a criminal justice information services agreement as contemplated by the United States department of justice criminal justice information services security policy, as authorized by 28 C.F.R. Part 20."

On page 1, line 1 of the title, after "to" strike the remainder of the title and insert "disclosure of personally identifying information and security information of private cloud service providers; and amending RCW 42.56.420."

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

The President declared the question before the Senate to be the adoption of striking floor amendment no. 604 by Senator Roach to Substitute Senate Bill No. 6356.

The motion by Senator Roach carried and striking floor amendment no. 604 was adopted by voice vote.

On motion of Senator Roach, the rules were suspended, Engrossed Substitute Senate Bill No. 6356 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6356.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6356 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Senator Hasegawa

Excused: Senator Hargrove

ENGROSSED SUBSTITUTE SENATE BILL NO. 6356, 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. 6426, by Senators Conway, Dammeier, Takko, Becker, Mullet, Sheldon and Chase

Allowing schools to be sited as essential public facilities outside an urban growth area. Revised for 1st Substitute: Allowing schools to be sited as essential public facilities outside the urban growth area.

#### MOTION

On motion of Senator Conway, Substitute Senate Bill No. 6426 was substituted for Senate Bill No. 6426 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Conway moved that the following amendment no. 621 by Senator Conway be adopted:

On page 3, beginning on line 1, after "(4)" strike all material through "residents." on line 2 and insert "(a) This section applies to any county that is required or chooses to plan under RCW 36.70A.040 with a population of at least one hundred fifty thousand and no more than two hundred thousand that abuts at least five other counties.

(b) This section applies to any county that is required or chooses to plan under RCW 36.70A.040 with a population of at least seven hundred thousand and no more than one million one hundred thousand that abuts at least five other counties.

(c) This section applies to any county that is required or

chooses to plan under RCW 36.70A.040 with a population of at least eighty thousand and no more than one hundred thousand that abuts at least five other counties.

(d) This section applies to any county that is required or chooses to plan under RCW 36.70A.040 with a population of at least eighty-five thousand and that abuts at least six other counties."

Senators Conway and Roach spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 621 by Senator Conway on page 3, line 1 to Substitute Senate Bill No. 6426.

The motion by Senator Conway carried and amendment no. 621 was adopted by voice vote.

On motion of Senator Conway, the rules were suspended, Engrossed Substitute Senate Bill No. 6426 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway, Takko, Billig, McCoy, Dansel, Mullet and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6426.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6426 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Chase, Conway, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Liias, Litzow, Miloscia, Mullet, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

Voting nay: Senators Billig, Carlyle, Cleveland, Darneille, Fraser, Frockt, Habib, Hasegawa, Jayapal, McAuliffe, McCoy, Nelson and Pedersen

Excused: Senator Hargrove

ENGROSSED SUBSTITUTE SENATE BILL NO. 6426, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 10:52 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 o'clock a.m., Wednesday, February 17, 2016.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

1067-ES		Messages .....	5
Introduction & 1st Reading.....	1	2381-S	
1094-2ES		Messages .....	5
Messages .....	14	2384	
1100-2ES		Messages .....	5
Introduction & 1st Reading.....	1	2394	
1632-S		Introduction & 1st Reading.....	2
Introduction & 1st Reading.....	1	2396-S	
1645-E2S		Messages .....	5
Introduction & 1st Reading.....	1	2410-S	
1713-S3		Messages .....	5
Messages .....	4	2429-S	
1725-S2		Messages .....	5
Messages .....	4	2430-ES	
1830-S		Introduction & 1st Reading.....	2
Introduction & 1st Reading.....	1	2432	
1874-S		Introduction & 1st Reading.....	2
Introduction & 1st Reading.....	1	2449-2S	
1900-S2		Introduction & 1st Reading.....	2
Messages .....	4	2450-S	
1915-S		Introduction & 1st Reading.....	2
Introduction & 1st Reading.....	1	2452-S	
1949-S		Introduction & 1st Reading.....	3
Messages .....	4	2483-S	
1983-S2		Messages .....	5
Messages .....	4	2494	
1999-4S		Messages .....	5
Introduction & 1st Reading.....	1	2545-ES	
2017-S		Messages .....	14
Introduction & 1st Reading.....	2	2575-S	
2033-E		Introduction & 1st Reading.....	3
Messages .....	14	2584-S	
2262		Messages .....	5
Introduction & 1st Reading.....	2	2591-ES	
2274-ES		Introduction & 1st Reading.....	3
Introduction & 1st Reading.....	2	2604-ES	
2280		Messages .....	14
Messages .....	5	2610-E	
2287-S		Introduction & 1st Reading.....	3
Messages .....	5	2615-S	
2309		Introduction & 1st Reading.....	3
Introduction & 1st Reading.....	2	2623	
2320		Introduction & 1st Reading.....	3
Messages .....	5	2644-S	
2340-ES		Messages .....	5
Introduction & 1st Reading.....	2	2647-S	
2360		Messages .....	5

2682-S		5094	
Messages .....	5	Third Reading .....	25
2716-S		Third Reading Final Passage .....	25
Introduction & 1st Reading .....	3	5243-E2S	
2726-2S		Third Reading .....	31
Introduction & 1st Reading .....	3	Third Reading Final Passage .....	31
2730-S		5265	
Introduction & 1st Reading .....	3	Second Reading .....	18
2749-E		Third Reading Final Passage .....	18
Introduction & 1st Reading .....	3	5271	
2765-S		Third Reading .....	24
Messages .....	5	Third Reading Final Passage .....	24
2769-S2		5363	
Messages .....	5	Third Reading .....	27
2785-ES		Third Reading Final Passage .....	27
Messages .....	14	5549	
2791-S2		Second Reading .....	9
Messages .....	5	Third Reading Final Passage .....	9
2804-ES		5640-S	
Introduction & 1st Reading .....	3	Third Reading .....	8
2806		Third Reading Final Passage .....	8
Messages .....	5	5894	
2807		Second Reading .....	29
Introduction & 1st Reading .....	4	Third Reading Final Passage .....	29
2825-S		5937	
Messages .....	5	Second Reading .....	7
2834-S		Third Reading Final Passage .....	7
Messages .....	5	6100	
2844		Committee Report .....	13
Introduction & 1st Reading .....	4	6117	
2852-ES		Second Reading .....	25
Introduction & 1st Reading .....	4	6117-S	
2875-S		Second Reading .....	26
Messages .....	5	Third Reading Final Passage .....	26
2895-S		6149	
Introduction & 1st Reading .....	4	Second Reading .....	17
2906-2ES		6149-ES	
Messages .....	14	Third Reading Final Passage .....	18
2933-S2		6149-S	
Messages .....	5	Second Reading .....	17
2938-S		6155	
Messages .....	5	Second Reading .....	16
2970		Third Reading Final Passage .....	17
Introduction & 1st Reading .....	4	6169	
2973-S		Other Action .....	29
Introduction & 1st Reading .....	4	Second Reading .....	29
4010		Third Reading Final Passage .....	29
Messages .....	5	6171	

Second Reading .....	9	Third Reading Final Passage .....	23
Third Reading Final Passage .....	10	6293-S	
6195		Second Reading .....	22
Second Reading .....	15	6321	
6195-2S		Second Reading .....	31
Second Reading .....	15	6321-E	
6195-E2S		Third Reading Final Passage .....	32
Third Reading Final Passage .....	16	6326	
6196		Second Reading .....	10
Second Reading .....	26	6326-S	
Third Reading Final Passage .....	27	Second Reading .....	11
6238		Third Reading Final Passage .....	11
Second Reading .....	13	6327-S	
6238-S		Second Reading .....	5
Second Reading .....	13	Third Reading Final Passage .....	6
Third Reading Final Passage .....	13	6337	
6239		Second Reading .....	23
Second Reading .....	11	6337-S	
6239-2S		Second Reading .....	23
Second Reading .....	11	Third Reading Final Passage .....	23
Third Reading Final Passage .....	11	6349	
6242		Second Reading .....	27
Second Reading .....	8	6349-E	
6242-2S		Third Reading Final Passage .....	27
Second Reading .....	8	6354	
6242-S2		Second Reading .....	28
Third Reading Final Passage .....	9	6354-S	
6265		Second Reading .....	28
Second Reading .....	31	Third Reading Final Passage .....	29
6265-S		6356	
Second Reading .....	31	Second Reading .....	40
Third Reading Final Passage .....	31	6356-ES	
6286		Third Reading Final Passage .....	41
Second Reading .....	12	6356-S	
6286-S		Second Reading .....	40
Second Reading .....	12	6376	
Third Reading Final Passage .....	12	Second Reading .....	6
6289		Third Reading Final Passage .....	6
Second Reading .....	32	6409	
6289-S		Second Reading .....	24
Second Reading .....	32	6409-S	
Third Reading Final Passage .....	33	Second Reading .....	24
6292		Third Reading Final Passage .....	24
Second Reading .....	12	6426	
Third Reading Final Passage .....	12	Second Reading .....	41
6293		6426-ES	
Second Reading .....	22, 23	Third Reading Final Passage .....	42
6293-ES		6426-S	

Second Reading .....	41	6525-S	
6427		Second Reading .....	26
Second Reading .....	28	6529	
6427-ES		Second Reading .....	22
Third Reading Final Passage .....	28	6529-S	
6427-S		Second Reading .....	22
Second Reading .....	28	Third Reading Final Passage .....	22
6445		6534	
Second Reading .....	10	Second Reading .....	33
6445-S		6534-2S	
Other Action.....	10	Second Reading .....	33
Second Reading .....	10	6534-E2S	
Third Reading Final Passage .....	10	Third Reading Final Passage .....	34
6459		6545	
Second Reading .....	29	Second Reading .....	23
Third Reading Final Passage .....	30	Third Reading Final Passage .....	24
6466-S		6564	
Second Reading .....	25	Second Reading .....	19
Third Reading Final Passage .....	25	6564-2S	
6475		Second Reading .....	19
Second Reading .....	24	6564-E2S	
Third Reading Final Passage .....	25	Third Reading Final Passage .....	21
6488		6583	
Second Reading .....	12	Second Reading .....	30
Third Reading Final Passage .....	13	6583-S	
6497		Second Reading .....	30
Second Reading .....	10	Third Reading Final Passage .....	30
6497-2S		6589	
Second Reading .....	10	Second Reading .....	22
Third Reading Final Passage .....	10	6589-E	
6498		Third Reading Final Passage .....	22
Second Reading .....	6	6601	
6498-S		Second Reading .....	34
Second Reading .....	6	6601-2S	
Third Reading Final Passage .....	6	Second Reading .....	34
6513		6601-E2S	
Second Reading .....	18	Third Reading Final Passage .....	40
6513-ES		6606	
Third Reading Final Passage .....	19	Second Reading .....	9
6513-S		6606-ES	
Second Reading .....	18	Third Reading Final Passage .....	9
6519-S		6606-S	
Second Reading .....	5	Second Reading .....	9
Third Reading Final Passage .....	5	6607	
6525		Second Reading .....	6
Second Reading .....	26	Third Reading Final Passage .....	6
6525-ES		6617	
Third Reading Final Passage .....	26	Second Reading .....	11

6617-E		.....	8
Third Reading Final Passage .....	12		
8721			
Adopted.....	8		
Introduced .....	7		
8725			
Adopted.....	14		
Introduced .....	14		
9189 Lucinda S. Whaley			
Confirmed .....	4		
CHAPLAIN OF THE DAY			
Maultsby, Pastor James.....	1		
FLAG BEARER			
Natha, Mr. Zachary Alim.....	1		
Rossi, Miss Jillian .....	1		
GUESTS			
Ebel, Mr. Erich, Director of Communications for the Washington State Historical Society			
		Kilmer, Ms. Jennifer, Director of the Washington State Historical Society .....	8
		Pathfinders Club of Wenatchee .....	12
		Rohrer, Ms. Susan, heritage Outreach Manager for the Washington State Historical Society.....	8
		Truman Elementary Fourth Grade Class ....	12
		PRESIDENT OF THE SENATE	
		Remarks by the President.....	7
		WASHINGTON STATE SENATE	
		Personal Privilege, Senator Dandel .....	7
		Personal Privilege, Senator Hargrove .....	6
		Personal Privilege, Senator Sheldon .....	29
		Point of Order, Senator Rolfes.....	13
		Statement for the Journal, Senator Miloscia, ESSB 6525 .....	26

