

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, January 27, 2017

The Senate was called to order at 10:06 a.m. by the President of the Senate, Lt. Governor Habib presiding. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 24, 2017

SB 5008 Prime Sponsor, Senator King: Facilitating compliance with the federal REAL ID act by modifying driver's license and identicaid design and fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Baumgartner; Cleveland; Fortunato; Hawkins; O'Ban; Takko; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Saldaña and Van De Wege.

Referred to Committee on Rules for second reading.

January 24, 2017

SB 5008 Prime Sponsor, Senator King: Facilitating compliance with the federal REAL ID act by modifying driver's license and identicaid design and fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Baumgartner; Cleveland; Fortunato; Hawkins; O'Ban; Takko; Walsh and Wilson.

MINORITY recommendation: Do not pass. Signed by Senators Saldaña and Van De Wege.

Referred to Committee on Rules for second reading.

January 26, 2017

SB 5022 Prime Sponsor, Senator Bailey: Providing information to students about education loans. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Ways & Means.

January 26, 2017

SB 5022 Prime Sponsor, Senator Bailey: Providing information to students about education loans. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Ways & Means.

January 26, 2017

SB 5028 Prime Sponsor, Senator McCoy: Requiring teacher preparation programs to integrate American curriculum developed by the office of the superintendent of public instruction into existing Pacific Northwest history and government requirements. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Ways & Means.

January 26, 2017

SB 5028 Prime Sponsor, Senator McCoy: Requiring teacher preparation programs to integrate Native American curriculum developed by the office of the superintendent of public instruction into existing Pacific Northwest history and government requirements. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Ways & Means.

January 26, 2017

SB 5100 Prime Sponsor, Senator Bailey: Requiring live financial literacy seminars for students at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Ways & Means.

January 26, 2017

SB 5100 Prime Sponsor, Senator Bailey: Requiring live financial literacy seminars for students at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Ways & Means.

January 26, 2017

SB 5138 Prime Sponsor, Senator Palumbo: Concerning metropolitan park districts. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5138 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Acting Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

January 26, 2017

SB 5138 Prime Sponsor, Senator Palumbo: Concerning metropolitan park districts. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 5138 be substituted therefor, and the substitute bill do pass. Signed by Senators Angel, Acting Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

January 26, 2017

SB 5141 Prime Sponsor, Senator Palumbo: Concerning the regulation of programs of yoga practice or instruction as private vocational schools. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Rules for second reading.

January 26, 2017

SB 5141 Prime Sponsor, Senator Palumbo: Concerning the regulation of programs of yoga practice or instruction as private vocational schools. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Referred to Committee on Rules for second reading.

January 26, 2017

SB 5188 Prime Sponsor, Senator Angel: Concerning removal of land from the current use property tax classification due to certain natural disasters. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Angel, Acting Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Ways & Means.

January 26, 2017

SB 5188 Prime Sponsor, Senator Angel: Concerning removal of land from the current use property tax classification

due to certain natural disasters. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Angel, Acting Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Ways & Means.

January 26, 2017

SB 5189 Prime Sponsor, Senator Warnick: Eliminating the collection of anticipated taxes and assessments. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Angel, Acting Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

January 26, 2017

SB 5189 Prime Sponsor, Senator Warnick: Eliminating the collection of anticipated taxes and assessments. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Angel, Acting Chair; Takko, Ranking Minority Member; Palumbo and Sheldon.

Referred to Committee on Rules for second reading.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 5522 by Senators Palumbo, Fain and Nelson

AN ACT Relating to requiring the department of social and health services to collect and publicly report information on the safe surrender of newborn children; amending RCW 13.34.360; and creating a new section.

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

SB 5523 by Senator Fortunato

AN ACT Relating to removal of provisions that are no longer necessary for continued publication in the Revised Code of Washington; amending RCW 43.88.0301, 48.17.563, 48.31.115, and 77.125.040; reenacting and amending RCW 46.18.060; decodifying RCW 43.88.910, 43.105.902, 43.105.903, 15.49.920, 15.49.950, 15.51.900, 15.54.930, 15.58.900, 15.58.901, 15.58.943, 41.58.900, 41.58.901, 50.98.080, 69.50.545, 69.50.606, 69.50.607, 43.215.903, 43.215.905, 48.20.322, 48.23.520, 35.98.020, 35.98.050, 35A.90.030, 35A.90.040, 74.14B.900, 74.18.903, 46.61.990, 77.15.902, 77.50.900, 77.65.900,

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77.105.900, 43.31A.400, 43.63A.902, 43.63A.903, and 43.41.901; repealing RCW 69.50.1011, 28A.400.201, 70.95H.005, 70.95H.007, 70.95H.010, 70.95H.030, 70.95H.040, 70.95H.050, 70.95H.900, 70.105A.035, 70.220.060, 30A.24.080, 31.04.185, 31.45.095, 41.05.019, 41.05.230, 41.05.655, 70.47A.010, 70.47A.020, 70.47A.030, 70.47A.040, 70.47A.050, 70.47A.060, 70.47A.070, 70.47A.080, 70.47A.090, 70.47A.100, 70.47A.110, 70.47A.901, 74.12.901, 74.12A.030, 74.13.017, 26.50.800, 43.374.005, 43.374.020, 47.01.321, 47.01.350, 47.01.360, 47.01.400, 47.01.405, 47.01.406, 47.01.410, and 47.01.418; and repealing 2009 c 548 s 302 and 2010 c 236 s 6 (uncodified).

Referred to Committee on State Government.

SB 5524 by Senators Hobbs and Honeyford

AN ACT Relating to diking improvement districts in Snohomish county; and adding a new section to chapter 85.08 RCW.

Referred to Committee on Local Government.

SB 5525 by Senators Wilson, Palumbo, Cleveland, Baumgartner, Zeiger, O'Ban, Lias, Frockt, Schoesler and Hobbs

AN ACT Relating to veterans' mental health services at institutions of higher education; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

SB 5526 by Senators Zeiger and Rolfes

AN ACT Relating to educator preparation data for use by the professional educator standards board; amending RCW 28B.77.100; and creating a new section.

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

SB 5527 by Senators Frockt and Chase

AN ACT Relating to simplifying and enforcing employee status under employment laws to ensure fairness to employers and employees and address the underground economy; amending RCW 39.12.010, 39.12.050, 49.46.010, 50.04.100, 50.04.298, 50.12.070, 50.12.072, 50.24.070, 51.08.070, and 51.08.180; reenacting and amending RCW 49.48.082; adding a new section to chapter 39.12 RCW; adding new sections to chapter 49.52 RCW; adding a new section to chapter 49.48 RCW; adding a new section to chapter 49.46 RCW; adding new sections to chapter 50.04 RCW; adding a new section to chapter 51.12 RCW; adding a new chapter to Title 49 RCW; creating new sections; repealing RCW 39.12.100, 50.04.140, 50.04.145, 51.08.181, and 51.08.195; and prescribing penalties.

Referred to Committee on Commerce, Labor & Sports.

SB 5528 by Senators Hasegawa, Keiser and Conway

AN ACT Relating to the employment antiretaliation act; amending RCW 49.46.010, 49.46.100, and 39.12.010; reenacting and amending RCW 49.48.082; adding new sections to chapter 49.46 RCW; adding a new section to chapter 49.12 RCW; adding new sections to chapter 49.48 RCW; adding new sections to chapter 39.12 RCW; adding

new sections to chapter 49.52 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce, Labor & Sports.

SB 5529 by Senators Rolfes, Walsh, Fain, Frockt, Zeiger and Hunt

AN ACT Relating to dual language in early learning and K-12 education; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.410 RCW; adding new sections to chapter 43.215 RCW; creating new sections; and providing an expiration date.

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

SB 5530 by Senators Baumgartner and Braun

AN ACT Relating to labor standards for employees in certain counties; amending RCW 49.46.020, 49.46.210, and 49.46.800; adding new sections to chapter 49.46 RCW; and providing an expiration date.

Referred to Committee on Commerce, Labor & Sports.

SB 5531 by Senators Baumgartner, Wilson, Rossi and Braun

AN ACT Relating to providing reasonable accommodations in the workplace for pregnant women; and adding a new section to chapter 43.10 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5532 by Senator Baumgartner

AN ACT Relating to labor standards for employees of nonprofit corporations; amending RCW 49.46.020, 49.46.210, and 49.46.800; and adding new sections to chapter 49.46 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5533 by Senators Rossi, Baumgartner, Fortunato, Braun, Brown, Wilson, Becker and Padden

AN ACT Relating to prohibiting contributions to gubernatorial candidates by entities that collectively bargain with the state; amending RCW 42.17A.405; and providing for submission of this act to a vote of the people.

Referred to Committee on Commerce, Labor & Sports.

SB 5534 by Senators Fortunato, Rossi, Zeiger, Braun, Bailey, Sheldon, Fain, Angel, Warnick and Becker

AN ACT Relating to providing a housing allowance for certificated and classified school staff in school districts with above average residential housing costs; and adding a new section to chapter 28A.400 RCW.

Referred to Committee on Ways & Means.

SB 5535 by Senator Fortunato

AN ACT Relating to a property tax exemption for residents eighty years and older; amending RCW 84.36.381; and creating new sections.

Referred to Committee on Ways & Means.

SB 5536 by Senator Fortunato

AN ACT Relating to providing funding for the hunter education training program operated by the department of fish and wildlife through the issuance of national rifle association special license plates; amending RCW 77.15.425; reenacting and amending RCW 46.18.200, 46.17.220, and 46.68.425; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 5537 by Senators King and Keiser

AN ACT Relating to authorizing licensed spirits and wine distributors to sell spirits and wine products to their employees in certain circumstances; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5538 by Senators Becker, Mullet, Miloscia, O'Ban, Bailey, Keiser and Cleveland

AN ACT Relating to health profession licensure fees; amending RCW 43.70.250; creating a new section; and providing an expiration date.

Referred to Committee on Health Care.

SB 5539 by Senators Billig, Padden, Pedersen and Baumgartner

AN ACT Relating to creating a pilot program for the supervision of motor vehicle-related felonies; adding a new section to chapter 9.94A RCW; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 5540 by Senators Walsh, Darneille, Rivers and Braun

AN ACT Relating to an oral health pilot program for adults with diabetes and pregnant women; adding a new section to chapter 74.09 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Health Care.

SB 5541 by Senator Baumgartner

AN ACT Relating to teen wages; and amending RCW 49.46.020.

Referred to Committee on Commerce, Labor & Sports.

SB 5542 by Senator Darneille

AN ACT Relating to overwater residences within a historic district listed in the Washington heritage register; and amending RCW 90.58.270.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5543 by Senators Padden and Baumgartner

AN ACT Relating to a reexamination of the classification of land in flood control districts; amending RCW 86.09.418; and adding a new section to chapter 86.09 RCW.

Referred to Committee on Local Government.

SB 5544 by Senators Billig and Baumgartner

AN ACT Relating to extending the expiration date on the health sciences and services authority sales and use tax authorization; amending RCW 82.14.480; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5545 by Senators Wilson, Braun and Rossi

AN ACT Relating to requiring public employee collective bargaining sessions to be open meetings; amending RCW 42.30.140; adding a new section to chapter 42.30 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 41.76 RCW; adding a new section to chapter 41.80 RCW; adding a new section to chapter 47.64 RCW; and adding a new section to chapter 49.39 RCW.

Referred to Committee on Commerce, Labor & Sports.

SB 5546 by Senators Hawkins, McCoy, Fortunato, Pearson, Braun, Sheldon, Rivers and O'Ban

AN ACT Relating to proactively addressing wildfire risk by creating a forest health treatment assessment; and adding a new section to chapter 76.06 RCW.

Referred to Committee on Natural Resources & Parks.

SB 5547 by Senators Rolfes and Rivers

AN ACT Relating to confidentiality of educator professional growth plans; and amending RCW 42.56.250.

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

SB 5548 by Senators Rivers and Rolfes

AN ACT Relating to reimbursement for substitute teachers participating in activities of the Washington state professional educator standards board to carry out its powers and duties; and amending RCW 28A.300.035.

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

SB 5549 by Senators Honeyford, Hunt and King

AN ACT Relating to the performance of personal services by members of the liquor industry to retailers; and amending RCW 66.28.310.

Referred to Committee on Commerce, Labor & Sports.

SB 5550 by Senators Rossi, Baumgartner, Bailey, Braun, Brown, Honeyford, Wilson and Becker

AN ACT Relating to authorizing state agencies and institutions of higher education to contract for services; amending RCW 41.80.020, 43.105.052, 43.105.287, 72.09.100, 74.13.362, 74.13B.050, and 77.95.320; adding a new section to chapter 41.06 RCW; adding a new section to chapter 43.88 RCW; repealing RCW 41.06.142; and providing for submission of this act to a vote of the people.

Referred to Committee on Commerce, Labor & Sports.

SB 5551 by Senators Rossi, Baumgartner, Braun, Bailey, Brown, Becker, Honeyford and Wilson

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AN ACT Relating to requiring periodic certification elections for labor unions representing public employees; and amending RCW 41.56.060, 41.56.070, 41.80.070, 41.80.080, 28B.52.030, 41.76.020, 41.59.070, and 47.64.135.

Referred to Committee on Commerce, Labor & Sports.

SB 5552 by Senators Pedersen, Zeiger, Frockt, Takko, O'Ban, Fain and Hobbs

AN ACT Relating to background checks for firearms sales or transfers, but only with respect to clarifying that the term firearm does not include flare guns and construction tools, clarifying that the term transfer does not include transfers between an employer and employee for lawful purposes in the ordinary course of business, expanding the family member exemption to include loans and parents-in-law and siblings-in-law, providing an exemption for temporary transfers for the purpose of preventing suicide or self-inflicted great bodily harm, and providing an exemption for temporary transfers where the transferee and the firearm are in the presence of the transferor; and amending RCW 9.41.010 and 9.41.113.

Referred to Committee on Law & Justice.

SB 5553 by Senators Pedersen, Fain, Frockt, Takko, Hobbs and Zeiger

AN ACT Relating to preventing suicide by permitting the voluntary waiver of firearm rights; amending RCW 9.41.080 and 9.41.092; adding new sections to chapter 9.41 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

SB 5554 by Senators Hobbs, Rivers, Cleveland and Fain

AN ACT Relating to private health plan coverage of contraceptives; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care.

SB 5555 by Senators Wellman, Kuderer, Saldaña, Cleveland, Hasegawa, Carlyle, McCoy, Nelson, Keiser, Rolfes, Darneille and Chase

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

Referred to Committee on Commerce, Labor & Sports.

SB 5556 by Senators Hunt, Miloscia, Hawkins, Palumbo, Zeiger, Walsh and Liias

AN ACT Relating to providing an enhanced retirement benefit for public employees' and teachers' retirement system plans 1; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5557 by Senators Rivers and Takko

AN ACT Relating to extending the sales tax exemption for clay targets purchased by a nonprofit gun club; amending RCW 82.08.205 and 82.12.205; creating a new section;

providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5558 by Senators Darneille, O'Ban and Angel

AN ACT Relating to issuing a two-year identocard for offenders released from prison facilities; amending RCW 46.20.117 and 46.20.117; adding a new section to chapter 72.09 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Law & Justice.

SB 5559 by Senators Darneille, Saldaña, Hasegawa, Wellman, Cleveland, Palumbo, Keiser and McCoy

AN ACT Relating to implementing a vulnerable youth guardianship program; and adding a new chapter to Title 13 RCW.

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

SB 5560 by Senators Brown, Palumbo and Walsh

AN ACT Relating to creating a special permit for certain wine auctions; and reenacting and amending RCW 66.20.010.

Referred to Committee on Commerce, Labor & Sports.

SB 5561 by Senators Fortunato, Zeiger, Padden, Hawkins and Brown

AN ACT Relating to disclosure of information regarding treatment or care of minors; and amending RCW 70.02.050 and 70.02.220.

Referred to Committee on Health Care.

SB 5562 by Senator Fortunato

AN ACT Relating to providing flexibility to school districts by authorizing school district waivers; amending RCW 28A.405.060, 41.56.906, and 41.59.935; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.155 RCW; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.165 RCW; adding a new section to chapter 28A.170 RCW; adding a new section to chapter 28A.175 RCW; adding a new section to chapter 28A.180 RCW; adding a new section to chapter 28A.185 RCW; adding a new section to chapter 28A.188 RCW; adding a new section to chapter 28A.190 RCW; adding a new section to chapter 28A.193 RCW; adding a new section to chapter 28A.194 RCW; adding a new section to chapter 28A.205 RCW; adding a new section to chapter 28A.210 RCW; adding a new section to chapter 28A.215 RCW; adding a new section to chapter 28A.220 RCW; adding a new section to chapter 28A.225 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.232 RCW; adding a new section to chapter 28A.235 RCW; adding a new section to chapter 28A.245 RCW; adding a new section to chapter 28A.250 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 28A.315 RCW; adding a new section to chapter 28A.323

RCW; adding a new section to chapter 28A.325 RCW; adding a new section to chapter 28A.330 RCW; adding a new section to chapter 28A.335 RCW; adding a new section to chapter 28A.340 RCW; adding a new section to chapter 28A.343 RCW; adding a new section to chapter 28A.345 RCW; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.415 RCW; adding a new section to chapter 28A.500 RCW; adding a new section to chapter 28A.505 RCW; adding a new section to chapter 28A.510 RCW; adding a new section to chapter 28A.515 RCW; adding a new section to chapter 28A.520 RCW; adding a new section to chapter 28A.525 RCW; adding a new section to chapter 28A.527 RCW; adding a new section to chapter 28A.530 RCW; adding a new section to chapter 28A.535 RCW; adding a new section to chapter 28A.540 RCW; adding a new section to chapter 28A.545 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.604 RCW; adding a new section to chapter 28A.605 RCW; adding a new section to chapter 28A.620 RCW; adding a new section to chapter 28A.623 RCW; adding a new section to chapter 28A.625 RCW; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 28A.635 RCW; adding a new section to chapter 28A.640 RCW; adding a new section to chapter 28A.642 RCW; adding a new section to chapter 28A.645 RCW; adding a new section to chapter 28A.650 RCW; adding a new section to chapter 28A.655 RCW; adding a new section to chapter 28A.657 RCW; adding a new section to chapter 28A.660 RCW; adding a new section to chapter 28A.690 RCW; adding a new section to chapter 28A.700 RCW; adding a new section to chapter 28A.705 RCW; adding a new section to chapter 28A.710 RCW; adding a new section to chapter 28A.715 RCW; and creating a new section.

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

SB 5563 by Senators Fortunato, Hawkins and Brown

AN ACT Relating to providing flexibility to school districts to reduce costs related to compliance with truancy laws; and amending RCW 28A.225.015, 28A.225.018, 28A.225.020, 28A.225.025, 28A.225.030, 28A.225.090, and 28A.225.151.

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

SB 5564 by Senators Fortunato, King, O'Ban and Hawkins

AN ACT Relating to vehicle taxation; amending RCW 82.08.020, 82.38.030, and 46.68.090; creating a new section; repealing RCW 46.68.080, 82.38.010, 82.38.020, 82.38.030, 82.38.031, 82.38.032, 82.38.033, 82.38.035, 82.38.050, 82.38.055, 82.38.060, 82.38.065, 82.38.066, 82.38.072, 82.38.075, 82.38.080, 82.38.090, 82.38.100, 82.38.110, 82.38.120, 82.38.140, 82.38.150, 82.38.160, 82.38.170, 82.38.180, 82.38.183, 82.38.190, 82.38.195, 82.38.200, 82.38.205, 82.38.210, 82.38.220, 82.38.230, 82.38.235, 82.38.245, 82.38.255, 82.38.260, 82.38.270, 82.38.275, 82.38.280, 82.38.290, 82.38.300, 82.38.310, 82.38.320, 82.38.360, 82.38.365, 82.38.370, 82.38.375, 82.38.380, and 82.38.385; providing an effective date; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Transportation.

SB 5565 by Senator Warnick

AN ACT Relating to employment laws regarding transportation contractors, including the definition of "truck"; and amending RCW 51.08.180.

Referred to Committee on Commerce, Labor & Sports.

SB 5566 by Senators Kuderer, Pedersen, Keiser, Hasegawa and Billig

AN ACT Relating to the admissibility of mental health evidence in claims for noneconomic damages under certain civil rights laws; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Law & Justice.

SB 5567 by Senator Miloscia

AN ACT Relating to implementing the education sector excellence assessment framework; adding a new section to chapter 28A.320 RCW; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.345 RCW; adding a new section to chapter 43.06B RCW; and creating a new section.

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

SB 5568 by Senators Liias, Palumbo, Frock, Ranker, Wellman, McCoy, Kuderer, Conway, Cleveland, Nelson, Billig, Hunt and Hasegawa

AN ACT Relating to freezing tuition at institutions of higher education; and amending RCW 28B.15.067.

Referred to Committee on Higher Education.

SB 5569 by Senators Angel, Sheldon, Rivers and Padden

AN ACT Relating to protected classes in housing; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Law & Justice.

SJR 8204 by Senators Fortunato, Angel, Rossi, Bailey, Braun, Sheldon, Schoesler, Becker, Warnick and Baumgartner

Amending the Constitution to prohibit the taxation of individual income.

Referred to Committee on Ways & Means.

SJR 8205 by Senators Miloscia, Baumgartner, O'Ban, Becker, Bailey and Warnick

Amending the Constitution concerning religious matters.

Referred to Committee on State Government.

MOTION

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

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MOTION

At 10:08 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus.

The Senate was called to order at 10:59 a.m. by President Habib.

MOTION

Senator Liias moved that the Senate advance to the eighth order of business.

Senator Fain spoke against the motion to advance to the eighth order of business.

The President declared the question before the Senate to be the motion to advance to the eighth order of business.

The motion by Senator Liias carried and the Senate advanced to the eighth order of business by voice vote.

MOTION

Senator Liias moved adoption of Senate Resolution No. 8609.

The President declared the resolution was not properly before the Senate.

Senator Liias moved that the Senate immediately consider Senate Resolution No. 8609 and the motion carried by voice vote.

MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION
8609

By Senator Liias

WHEREAS, The Senate adopted permanent rules for the 2017-2019 biennium under Senate Resolution 8602; and

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

NOW, THEREFORE, BE IT RESOLVED, That Rules 35, 48, and 53 are amended as follows:

"Rule 35. 1. The permanent senate rules adopted at the first regular session during a legislative biennium shall govern any session subsequently convened during the same legislative biennium. Adoption of permanent rules may be by majority of the senate without notice and a majority of the senate may change a permanent rule without notice at the beginning of any session, as determined pursuant to Article 2, Section 12 of the State Constitution. No permanent rule or order of the senate shall be rescinded or changed without a majority vote of the members, and one day's notice of the motion, except as provided in subsection 3 of this rule.

2. A permanent rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present unless otherwise specified herein. When the suspension of a rule is called, and after due notice from the president no objection is

offered, the president may announce the rule suspended, and the senate may proceed accordingly. Motion for suspension of the rules shall not be debatable, except, the mover of the motion may briefly explain the purpose of the motion and at the discretion of the president a rebuttal may be allowed.

3. An affirmative vote of sixty percent of the senators elected or appointed to the senate shall be required to amend the senate rules during the 2017 calendar year. Nothing in this subsection alters the one day's notice requirements in subsection 1 of this rule. This subsection 3, rule 35 shall expire January 1, 2018.

Rule 48. Any standing committee of the senate may be relieved of further consideration of any bill, regardless of prior action of the committee, by a majority vote of the senators (~~electd or appointed~~) present. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.

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

PARLIAMENTARY INQUIRY

Senator Liias: "Thank you Mr. President. Under my reading of Senate Rule No. 35, related to adopting and amending our senate rules, the rule specifies that a vote of the majority of the senate is required for the adoption of the permanent rules at the beginning of the session but the same rule uses different terminology in relation to changing the rules later during session. It allows a change to be made with a majority of members present. Now the different terminology within rule 35 is found in the second part of subsection 1 and states that the changes can only be made with a majority of the members rather than where it says a majority of the Senate multiple times earlier in rule 35. Additionally, I would like to note that we have a specific Senate Rule dealing with these ambiguities in rule 54 of the Senate Rules as clarified that unless stated clearly otherwise, a majority is a majority of members present not a majority of the senate. Under my reading of senate rule 35 and rule 54, it would appear to me that today's change to senate rules requires only a majority of those members present on the floor today. So, therefore, my question Mr. President is how many votes are required to adopt this change to the senate rules under rule 35?"

Senator Fain: "Thank you Mr. President. So again, let's be clear about what is on the floor today. What is being proposed, at this time is the question of parliamentary procedure of how many votes does it take to amend a standing rule on the senate floor? And, the reason that that is such an absurd question, quite frankly, is because this has been a settled issue for the entire history of this chamber. And I would like to point to a couple pieces of evidence on why that is a settled issue and why I believe the President will find that majority of the members, meaning a majority of all the members of the senate, are required to amend any rule on the floor. So what I would start with, Mr. President, is a document I think many individuals on the floor are familiar with. It is being distributed to you at this time. This particular document, this little flip-book, is available to all members. It has always been available to all members. If you would like an additional copy I am sure Paul can get you one. They are up at the rostrum, but many of you probably have these in your desk. And, if you are to flip - but if you don't have that - I've provided you a photo copy of it. But if you are to flip to the blue page of

our senate manual, where it says ‘votes necessary for legislative action’ the third bullet point on the left clearly says that actions requiring a majority of the members elected and then, in parenthesis, it says ‘25’. If you go down to item number 6, it says ‘To change the rules with one day’s notice’. It is very clear Mr. President, by the document that I hold in my hand, that has been available to these members since they have become members of this chamber, how this rule has been in effect. Let’s next look at a document that I am not entirely sure the Lieutenant Governor has been able to review yet, but I bet he has, it is great reading. This right here Mr. President, is a complete compendium of the Lieutenant Governor’s rulings. This is able to guide the deliberations of the Senate when there are motions of parliamentary procedure that come before the chamber. So Mr. President, this particular document that I hold in my hand, and I have distributed a piece of paper that is from this document, that I will refer to in a moment, this is great, again, this is the rulings of Lieutenant Governor Brad Owen, from 1997-2016. It is light reading. It is fun. I recommend it, I read it on vacation a couple of years back. There are so many times at the end of one of his rulings where the conclusion is, ‘and Senator Benton’s point is not well taken.’ It is phenomenal. I strongly recommend reading it. That being said Mr. President, I would call the attention of the members to page 186. 186, where it says ‘The summary of votes needed.’ Appendix 2. And it has a list of all the potential motions that could come up before the chamber. A list of the potential things that this chamber could vote on, because obviously this would be probably an important issue for us to have finality on. So let’s take a look at what this particular document says. Well Mr. President, I believe I have highlighted the particular portion for the members’ purposes, and it says, to adopt or amend a rule, rule 35, and the check box on this particular document is clearly under the category: Total membership, majority. There are other categories available on this form that I have distributed to you. Clearly one that says majority, one that says two-thirds present, one that says unanimous. But, this particular rule, Mr. President, on amending the rules of the Senate, Rule 35 clearly says that ‘a majority of the total membership is required to change a rule’. Well, Mr. President, why does that make sense? Why, beyond the fact that that is clearly established law in this chamber, why is that actually a rule that we would want to follow? Well, Mr. President, there are times where I am on this chamber floor all by myself. We have cutoff days and they go very late into the evening, and I wait ever so patiently as our code revisors and our committee staffers work to collate the hundreds of bills that are passed out of committee at the eleventh hour right before our cutoff, our committee cutoff. So I am here all by myself. It is just me and whomever I select as the presiding officer. In the past it has not been the Lieutenant Governor, because often times it is eleven or twelve o’clock at night. But Mr. President, were the interpretation of this rule to be that it merely needs to be a majority of those members present, then me, here on the floor, under the dark of night, with not TVW, with no one in the stands, with no one here except a couple members of the rostrum and a hand-picked member of my caucus, standing and presiding in a pro forma session, I would be able to change the rules all I want. So Mr. President, I would like to make notice of a potential rule change that I would like to offer. I am not saying that I am going to be doing this anytime soon, I am just saying that at some point while I am here late at night moving bills in a pro forma session that this particular issue may be adopted. Mr. President, may I read?”

President Habib: “Senator.”

Senator Fain: “Thank you Mr. President. In rule 7.1, conduct of members and officers, I seek to amend the final section. It says ‘the use of cellular and digital telephones is prohibited in the Senate chamber during floor session and in the hearing rooms during the committee’, and then I would add the section, ‘All business of the Senate shall be conducted in sweatpants.’ I personally think that would be great. I also would say that we can’t go to the rostrum in rule 22 during a vote, except for the purpose of obtain a refill of a steaming mug of hot chocolate from the Secretary. There is nothing that stops me from adopting this rule if we allow a simple majority of the members present to adopt a rule. And that is the sheer absurdity, the sheer absurdity of thinking otherwise. Mr. President, I ask you to rule as been the history of this institution and Senate, in both the House and the Senate, that it takes a majority of all the members, or twenty-five members under our current construct, to amend the rules. Thank you Mr. President.”

MOTION

At 11:18 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 3:31 p.m. by President Habib.

RULING BY THE PRESIDENT

President Habib: “In ruling upon the point of order raised by Senator Liias as to the number of votes required to amend the Senate Rules, the President finds and rules as follows:”

“Senate Rule 35 uses the term ‘majority vote of the members’ to inform the body of how many votes are necessary to amend the Senate Rules under the last sentence of Rule 35(1).”

“While the President finds this language to be ambiguous, he believes that the term must be construed in light of other Rules that use similar language. For example, Senate Rule 2(3) defines a majority caucus as a caucus whose members constitute a majority of the Senate. The majority doesn’t change depending upon which members are present. A member doesn’t need to be present to be a member.”

“A majority of members, without further qualification, is not different from a majority of members elected or appointed. A majority of members means a majority of the members of this body, not just those who are present. Membership doesn’t end at the chamber doors.”

“Senate Rule 54 defines ‘majority’ to mean ‘a majority of those members present unless otherwise stated.’ In Rule 35 it is ‘otherwise stated’ using the terms ‘majority vote of the members’.”

“In light of the Rule change before us, the President recognizes that taking the approach that a rule change could be accomplished by a vote of the majority of those present, a single Senator could theoretically change the rules and require a 90% vote to change those rules again in the future.”

“For these reasons, the President finds that it takes a majority of the members of this body to amend the Senate Rules under the final sentence of Senate Rule 35(1).”

MOTION

On motion of Senator Liias, further consideration of Senate Resolution No. 8609 was deferred.

NINETEENTH DAY, JANUARY 27, 2017

2017 REGULAR SESSION

MOTION

On motion of Senator Liias, the Senate advanced to the ninth order of business by voice vote.

Senator Liias moved that the rules be suspended and that the Committee on Ways & Means be relieved of further consideration of Senate Bill No. 1059 and that Senate Bill No. 1059 be placed on the second reading calendar.

PARLIAMENTARY INQUIRY

Senator Fain : “Thank you Mr. President. I am inquiring into how many votes are necessary from this chamber to relieve this bill from committee?”

President Habib: “Senator Fain, to your point of parliamentary inquiry, the threshold vote is eighteen members to suspend the rules.”

MOTION

On motion of Senator Liias, Senator Mullet was excused.

Senator Fain challenged the existence of a quorum.

The President called for a division for the purposes of determining the existence of a quorum.

Pursuant to Rule 16, with twenty-four members present, the President declared a quorum did not exist and business could not be conducted.

MOTION

Senator Fain moved to adjourn until Monday, 12:00 o’clock noon, January 30, 2017.

Senator Liias moved to amend the motion and reconvene at 10:00 o’clock a.m. Saturday, January 28, 2017, pursuant to Senate Rule 16, which allows less than a quorum to adjourn from day to day.

The motion to amend carried by voice vote.

At 3:42 p.m., the Senate was declared adjourned until 10:00 o’clock a.m., Saturday, January 28, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate