

THIRTY FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 12, 2014

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Liias.

The Sergeant at Arms Color Guard consisting of Pages Racheal Campbell and Meghen Harting, presented the Colors. Deacon Tony Irving, of St. Benedict Episcopal Church, Lacey offered the prayer.

MOTION

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 6564 by Senators Parlette and Fraser

AN ACT Relating to lowering to seventy-seven and one-half percent the sums collected and remitted under RCW 82.08.150 (1) and (2) that are deposited into the state general fund; amending RCW 82.08.160; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6565 by Senators Rivers and Brown

AN ACT Relating to the dual eligibles pilot project; adding a new section to chapter 74.48 RCW; adding a new section to chapter 74.46 RCW; and adding a new section to chapter 74.39A RCW.

Referred to Committee on Ways & Means.

MOTION

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

MOTION

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

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator O'Ban moved that Brett R Willis, Gubernatorial Appointment No. 9333, be confirmed as a member of the Board of Trustees, Pierce Community College District No. 11.

Senators O'Ban and Dammeier spoke in favor of passage of the motion.

APPOINTMENT OF BRETT R WILLIS

The President declared the question before the Senate to be the confirmation of Brett R Willis, Gubernatorial Appointment No. 9333, as a member of the Board of Trustees, Pierce Community College District No. 11.

The Secretary called the roll on the confirmation of Brett R Willis, Gubernatorial Appointment No. 9333, as a member of the Board of Trustees, Pierce Community College District No. 11 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator Liias

Brett R Willis, Gubernatorial Appointment No. 9333, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Pierce Community College District No. 11.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Bailey moved that Jay A Reich, Gubernatorial Appointment No. 9309, be confirmed as a member of the State Board for Community and Technical Colleges.

Senators Bailey and Pedersen spoke in favor of passage of the motion.

MOTION

On motion of Senator Billig, Senator Liias was excused.

APPOINTMENT OF JAY A REICH

The President declared the question before the Senate to be the confirmation of Jay A Reich, Gubernatorial Appointment No. 9309, as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of Jay A Reich, Gubernatorial Appointment No. 9309, as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson,

O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Jay A Reich, Gubernatorial Appointment No. 9309, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

MOTION

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

MESSAGE FROM THE HOUSE

February 11, 2014

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1027,
HOUSE BILL NO. 1597,
SUBSTITUTE HOUSE BILL NO. 1814,
HOUSE BILL NO. 2017,
HOUSE BILL NO. 2100,
HOUSE BILL NO. 2137,
HOUSE BILL NO. 2140,
SUBSTITUTE HOUSE BILL NO. 2162,
SUBSTITUTE HOUSE BILL NO. 2165,
HOUSE BILL NO. 2167,
HOUSE BILL NO. 2228,
SUBSTITUTE HOUSE BILL NO. 2255,
HOUSE BILL NO. 2276,
SUBSTITUTE HOUSE BILL NO. 2282,
HOUSE BILL NO. 2285,
HOUSE BILL NO. 2332,
SUBSTITUTE HOUSE BILL NO. 2336,
HOUSE BILL NO. 2398,
HOUSE BILL NO. 2450,
SUBSTITUTE HOUSE BILL NO. 2531,
HOUSE BILL NO. 2575,
HOUSE BILL NO. 2583,
SUBSTITUTE HOUSE BILL NO. 2605,
SUBSTITUTE HOUSE BILL NO. 2651,
HOUSE BILL NO. 2700,
SUBSTITUTE HOUSE BILL NO. 2722,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 6135, by Senators Benton, Mullet, Hatfield, Hobbs and Fain

Addressing banks and trust companies.

The measure was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 6135 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. 6135.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6135 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 6135, 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. 5981, by Senators Sheldon, Kline, Hewitt and Dammeier

Increasing the number of superior court judges in Mason county.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5981 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon 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. 5981.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5981 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5981, 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

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SENATE CONCURRENT RESOLUTION NO. 8409, by Senators Bailey, Kohl-Welles, Chase, Rivers, Frockt, Parlette, Cleveland, Dammeier, McAuliffe, Keiser, Tom, Conway and Mullet

Approving the workforce training and education coordinating board's high skills high wages plan.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Concurrent Resolution No. 8409 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Senators Bailey and Kohl-Welles spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8409.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8409 and the concurrent resolution passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE CONCURRENT RESOLUTION NO. 8409, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6105, by Senators McAuliffe, Litzow, Mullet, Darneille, Kohl-Welles and Fraser

Concerning school library information and technology programs.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 6105 was substituted for Senate Bill No. 6105 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6105 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Litzow, McCoy and Honeyford 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. 6105.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6105 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 6105, 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. 5886, by Senators King and Eide

Concerning the sale of certain department of transportation surplus property.

MOTION

On motion of Senator King, Substitute Senate Bill No. 5886 was substituted for Senate Bill No. 5886 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 4, line 8, after "in", strike "subsection (2)", and insert "subsections (2) and (3)"

On page 4, after line 16, insert:

"(2) Proceeds from the sale of surplus property previously managed by the facilities division must first be used to reimburse the office of real estate services within the department for costs related to the sale. Proceeds used for cost recovery purposes under this subsection may be withheld from being deposited into the account."

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

POINT OF INQUIRY

Senator Benton: "Would Senator King yield to a question? Senator, does this amendment preclude the ability of the Legislature to authorize the allocation of funds to the Department of Transportation's budget? In other words does this circumvent the legislative authority for appropriation?"

Senator King: "No, I don't believe it does. No."

Senator Benton: "So, it's your intent with this amendment to continue to appropriate money to each budget department in the Department like we always do through the budgetary process. This is not hands off money that goes back to the Department without legislative appropriation?"

Senator King: "Well, I honestly don't know how to answer that question but we are..."

Senator Benton: "You expect it to be appropriated by the Legislature?"

Senator King: "Well, all it does say they can recoup their costs so that they can fund the next sale. Within that, at some point they still have to have the original amount of money and that would have to be appropriated by the Legislature."

The President declared the question before the Senate to be the adoption of the amendment by Senator King on page 4, line 8 to Substitute Senate Bill No. 5886.

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

Senators King and Eide spoke in favor of adoption of the amendment.

MOTION

On motion of Senator King, the rules were suspended, Engrossed Substitute Senate Bill No. 5886 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Eide 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. 5886.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5886 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, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Hasegawa and Holmquist Newbry

ENGROSSED SUBSTITUTE SENATE BILL NO. 5886, 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. 5676, by Senators Braun, Benton, Holmquist Newbry, Padden, Becker, Honeyford, Rivers and Roach

Protecting personal voter signatures.

MOTIONS

On motion of Senator Braun, Substitute Senate Bill No. 5676 was substituted for Senate Bill No. 5676 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 5676 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 Substitute Senate Bill No. 5676.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5676 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5676, 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. 6035, by Senators Kline, Mullet and Hargrove

Regarding the safety of ski area conveyances.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 6035 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Pearson 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. 6035.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6035 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, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Ericksen and Holmquist Newbry

SENATE BILL NO. 6035, 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. 6031, by Senator Sheldon

Concerning lake and beach management districts.

The measure was read the second time.

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MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.61.010 and 2008 c 301 s 1 are each amended to read as follows:

(1) The legislature finds that the environmental, recreational, and aesthetic values of many of the state's lakes are threatened by eutrophication and other deterioration and that existing governmental authorities are unable to adequately improve and maintain the quality of the state's lakes.

(2) The legislature intends that an ecosystem-based beach management approach should be used to help promote the health of aquatic ecosystems and that such a management approach be undertaken in a manner that retains ecosystem values within the state. This management approach should use long-term strategies that focus on reducing nutrient inputs from human activities affecting the aquatic ecosystem, such as decreasing nutrients into storm water sewers, decreasing fertilizer application, promoting the proper disposal of pet waste, promoting the use of vegetative borders, promoting the reduction of nutrients from on-site septic systems where appropriate, and protecting riparian areas. Organic debris, including vegetation, driftwood, seaweed, kelp, and organisms, are extremely important to beach ecosystems.

(3) The legislature further finds that it is in the public interest to promote the conservation and stewardship of shorelines and upland properties adjoining lakes and beaches in order to: (a) Conserve natural or scenic resources; (b) protect riparian habitats and water quality; (c) promote conservation of soils, wetlands, shorelines, or tidal marshes; (d) enhance the value of lakes or beaches to the public as well as the benefit of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open space; (e) enhance recreation opportunities; (f) preserve historic sites; and (g) protect visual quality along highway, road, street, trail, recreational, and other corridors or scenic vistas.

(4) It is the purpose of this chapter to establish a governmental mechanism by which property owners can embark on a program of lake or beach improvement and maintenance for their and the general public's benefit, health, and welfare. Public property, including state property, shall be considered the same as private property in this chapter, except liens for special assessments and liens for rates and charges shall not extend to public property. Lake bottom property and marine property below the line of the ordinary high water mark shall not be considered to be benefitted, shall not be subject to special assessments or rates and charges, and shall not receive voting rights under this chapter.

Sec. 2. RCW 36.61.020 and 2008 c 301 s 3 are each amended to read as follows:

(1) Any county may create lake or beach management districts to finance: (a) The improvement and maintenance of lakes or beaches located within or partially within the boundaries of the county; and (b) the acquisition of real property or property rights within or outside a lake or beach management district including, by way of example, conservation easements authorized under RCW 64.04.130, and to promote the conservation and stewardship of shorelines as well as the conservation and stewardship of upland properties adjoining lakes or beaches for conservation or for minimal development. All or a portion of a lake or beach and the adjacent land areas may be included within one or more lake or beach management districts. More than one lake or beach, or portions of lakes or beaches, and the adjacent land areas may be included in a single lake or beach management district.

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(2) For the purposes of this chapter, the term "improvement" includes, among other things, the acquisition of real property and property rights within or outside a lake or beach management district for the purposes set forth in RCW 36.61.010 and this section.

(3) Special assessments or rates and charges may be imposed on the property included within a lake or beach management district to finance lake or beach improvement and maintenance activities, including: ~~((1))~~ (a) Controlling or removing aquatic plants and vegetation; ~~((2))~~ (b) improving water quality; ~~((3))~~ (c) controlling water levels; ~~((4))~~ (d) treating and diverting storm water; ~~((5))~~ (e) controlling agricultural waste; ~~((6))~~ (f) studying lake or marine water quality problems and solutions; ~~((7))~~ (g) cleaning and maintaining ditches and streams entering the lake or marine waters or leaving the lake; ~~((8))~~ (h) monitoring air quality; (i) the acquisition of real property and property rights; and ((9)) (j) the related administrative, engineering, legal, and operational costs, including the costs of creating the lake or beach management district.

(4) Special assessments or rates and charges may be imposed annually on all the land in a lake or beach management district for the duration of the lake or beach management district without a related issuance of lake or beach management district bonds or revenue bonds. Special assessments also may be imposed in the manner of special assessments in a local improvement district with each landowner being given the choice of paying the entire special assessment in one payment, or to paying installments, with lake or beach management district bonds being issued to obtain moneys not derived by the initial full payment of the special assessments, and the installments covering all of the costs related to issuing, selling, and redeeming the lake or beach management district bonds.

NEW SECTION. Sec. 3. A new section is added to chapter 36.61 RCW to read as follows:

A proposal to acquire real property or property rights within or outside of a lake or beach management district in accordance with RCW 36.61.020 must, prior to the acquisition of the real property or property rights, have the written approval of a majority of the property owners of the district, as determined by the tax rolls of the county assessor.

Sec. 4. RCW 36.61.070 and 2008 c 301 s 9 are each amended to read as follows:

(1) After the public hearing, the county legislative authority may adopt a resolution submitting the question of creating the lake or beach management district to the owners of land within the proposed lake or beach management district, including publicly owned land, if the county legislative authority finds that it is in the public interest to create the lake or beach management district and the financing of the lake or beach improvement and maintenance activities is feasible. The resolution shall also include: ~~((1))~~ (a) A plan describing the proposed lake or beach improvement and maintenance activities which avoid adverse impacts on fish and wildlife and provide for appropriate measures to protect and enhance fish and wildlife; ~~((2))~~ (b) the number of years the lake or beach management district will exist; ~~((3))~~ (c) the amount to be raised by special assessments or rates and charges; ~~((4))~~ (d) if special assessments are to be imposed, whether the special assessments shall be imposed annually for the duration of the lake or beach management district or only once with the possibility of installments being imposed and lake or beach management bonds being issued, or both, and, if both types of special assessments are proposed to be imposed, the lake or beach improvement or maintenance activities proposed to be financed by each type of special assessment; ~~((5))~~ (e) if rates and charges are to be imposed, a description of the proposed rates and charges and the possibility of revenue bonds being issued that are payable from the rates and charges; and ~~((6))~~ (f) the estimated special assessment or rate and

charge proposed to be imposed on each parcel included in the proposed lake or beach management district.

(2) No lake or beach management district may be created by a county that includes territory located in another county without the approval of the legislative authority of the other county.

Sec. 5. RCW 36.61.220 and 2008 c 301 s 21 are each amended to read as follows:

Within ~~((fifteen))~~ thirty days after a county creates a lake or beach management district, the county shall cause to be filed with the county treasurer, a description of the lake or beach improvement and maintenance activities proposed that the lake or beach management district finances, the lake or beach management district number, and a copy of the diagram or print showing the boundaries of the lake or beach management district and preliminary special assessment roll or abstract of the same showing thereon the lots, tracts, parcels of land, and other property that will be specially benefitted thereby and the estimated cost and expense of such lake or beach improvement and maintenance activities to be borne by each lot, tract, parcel of land, or other property. The treasurer shall immediately post the proposed special assessment roll upon his or her index of special assessments against the properties affected by the lake or beach improvement or maintenance activities.

Sec. 6. RCW 36.61.250 and 1985 c 398 s 25 are each amended to read as follows:

Except when lake or beach management district bonds are outstanding or when an existing contract might otherwise be impaired, the county legislative authority may stop the imposition of annual special assessments if, in its opinion, the public interest will be served by such action.

Sec. 7. RCW 36.61.260 and 2008 c 301 s 23 are each amended to read as follows:

(1) Counties may issue lake or beach management district revenue bonds in accordance with this section. Lake or beach management district bonds may be issued to obtain money sufficient to cover that portion of the special assessments that are not paid within the thirty-day period provided in RCW 36.61.190.

(2) Whenever lake or beach management district revenue bonds are proposed to be issued, the county legislative authority shall create a special fund or funds for the lake or beach management district from which all or a portion of the costs of the lake or beach improvement and maintenance activities shall be paid. Lake or beach management district bonds shall not be issued in excess of the costs and expenses of the lake or beach improvement and maintenance activities and shall not be issued prior to twenty days after the thirty days allowed for the payment of special assessments without interest or penalties.

(3) Lake or beach management district revenue bonds shall be exclusively payable from the special fund or funds and from a guaranty fund that the county may have created out of a portion of proceeds from the sale of the lake or beach management district bonds.

~~((2))~~ (4)(a) Lake or beach management district revenue bonds shall not constitute a general indebtedness of the county issuing the bond nor an obligation, general or special, of the state. The owner of any lake or beach management district revenue bond shall not have any claim for the payment thereof against the county that issues the bonds except for: (i) With respect to revenue bonds payable from special assessments, payment from the special assessments made for the lake or beach improvement or maintenance activities for which the lake or beach management district bond was issued and from the special fund or funds, and a lake or beach management district guaranty fund, that may have been created; and (ii) with respect to revenue bonds payable from rates and charges, payment from rates and charges deposited in the special fund or funds that the county may have created for that purpose. Revenue bonds may be payable from both special

assessments and from rates and charges. The county shall not be liable to the owner of any lake or beach management district bond for any loss to ~~((the))~~ a lake or beach management district guaranty fund occurring in the lawful operation of the fund. The owner of a lake or beach management district bond shall not have any claim against the state arising from the lake or beach management district bond, rates and charges, special assessments, or guaranty fund. Tax revenues shall not be used to secure or guarantee the payment of the principal of or interest on lake or beach management district bonds. Notwithstanding the provisions of this subsection, nothing in this section may be interpreted as limiting a county's issuance of bonds pursuant to RCW 36.67.010 in order to assist in the financing of improvements to lakes or beaches located within or partially within the boundaries of the county, including without limitation lakes or beaches located within a lake or beach management district. (b) The substance of the limitations included in this subsection (4) shall be plainly printed, written, engraved, or reproduced on: ~~((a))~~ (i) Each lake or beach management district bond that is a physical instrument; ~~((b))~~ (ii) the official notice of sale; and ~~((c))~~ (iii) each official statement associated with the lake or beach management district bonds.

~~((3))~~ (5) If the county fails to make any principal or interest payments on any lake or beach management district bond or to promptly collect any special assessment securing ~~((the))~~ lake or beach management district revenue bonds when due, the owner of the lake or beach management district revenue bond may obtain a writ of mandamus from any court of competent jurisdiction requiring the county to collect the special assessments, foreclose on the related lien, and make payments out of the special fund or guaranty fund if one exists. Any number of owners of lake or beach management districts may join as plaintiffs.

~~((4))~~ (6) A county may create a lake or beach management district bond guaranty fund for each issue of lake or beach management district bonds. The guaranty fund shall only exist for the life of the lake or beach management district bonds with which it is associated. A portion of the bond proceeds may be placed into a guaranty fund. Unused moneys remaining in the guaranty fund during the last two years of the installments shall be used to proportionally reduce the required level of installments and shall be transferred into the special fund into which installment payments are placed. A county may, in the discretion of the legislative authority of the county, deposit amounts into a lake or beach management district bond guaranty fund from any money legally available for that purpose. Any amounts remaining in the guaranty fund after the repayment of all revenue bonds secured thereby and the payment of assessment installments, may be applied to lake or beach improvement and maintenance activities or to other county purposes.

~~((5))~~ (7) Lake or beach management district bonds shall be issued and sold in accordance with chapter 39.46 RCW. The authority to create a special fund or funds shall include the authority to create accounts within a fund.

NEW SECTION. Sec. 8. A new section is added to chapter 36.61 RCW to read as follows:

A proposal to issue lake or beach management district revenue bonds in accordance with RCW 36.61.260 must, prior to the issuance of the bonds, have the written approval of a majority of the property owners of the district, as determined by the tax rolls of the county assessor.

NEW SECTION. Sec. 9. A new section is added to chapter 36.61 RCW to read as follows:

(1) In connection with the acquisition of real property or property rights within or outside a lake or beach management district, a county may: (a) Own real property and property rights, including without limitation conservation easements; (b) transfer real property and property rights to another state or local

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POINT OF INQUIRY

governmental entity; (c) contract with a public or private entity, including without limitation a financial institution with trust powers, a municipal corporation, or a nonprofit corporation, to hold real property or property rights such as conservation easements in trust for the purposes of the lake and beach management district, and, in connection with those services, to pay the reasonable costs of that financial institution or nonprofit corporation; (d) monitor and enforce the terms of a real property right such as a conservation easement, or for that purpose to contract with a public or private entity, including without limitation a financial institution with trust powers, a municipal corporation, or a nonprofit corporation; (e) impose terms, conditions, and encumbrances upon real property or property rights acquired in respect of a lake or beach management district, and amend the same; and (f) accept gifts, grants, and loans in connection with the acquisition of real property and property rights for lake or beach management district purposes.

(2) If a county contracts with a financial institution, municipal corporation, or nonprofit corporation to hold that property or property rights in trust for purposes of the district, the terms of the contract must provide that the financial institution, municipal corporation, or nonprofit corporation may not sell, pledge, or hypothecate the property or property rights for any purpose, and must further provide for the return of the property or property rights back to the county in the event of a material breach of the terms of the contract.

(3) Before a lake or beach management district in existence as of the effective date of this section exercises the powers set forth in this section, the legislative authority of the county must provide for an amended resolution of intention and modify the plan for the district, with a public hearing, all as provided in RCW 36.61.050."

Senators Sheldon and Liias spoke in favor of adoption of the striking amendment.

POINT OF INQUIRY

Senator Chase: "Would the good gentleman from the Thirty Fifth yield to a question? Senator, does this bill apply to Hood Canal in any way, shape or form?"

Senator Sheldon: "No. The answer is that this bill deals with lake management districts."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Sheldon to Senate Bill No. 6031.

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

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 36.61.010, 36.61.020, 36.61.070, 36.61.220, 36.61.250, and 36.61.260; and adding new sections to chapter 36.61 RCW."

MOTION

On motion of Senator Sheldon, the rules were suspended, Engrossed Senate Bill No. 6031 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon and Liias spoke in favor of passage of the bill.

Senator Ranker: "Would the good gentleman from the Thirty Fifth yield to another question? The question that I have is in section 3, line 24 and 25. It says the proposal 'to acquire real property or property rights within or outside off the lake or beach management district.' Does that mean that this would, how far outside are we talking here? What exactly does that mean? And is it, I understood the striker was, within the district and that's what we were talking about. This says 'within or outside'."

Senator Sheldon: "Well, Mr. President, without knowing the, having the RCW in front of me I can't tell you exactly. But I can tell you, in the case of Lake Nahwatzel, it's adjacent to the lake, to the lake shore. They'd like to acquire this conservation easement. I think it's about twenty six acres that surrounds a portion of the lake."

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6031.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6031 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

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

Voting nay: Senators Chase, Eide, Keiser, Kline, McAuliffe, McCoy, Nelson and Ranker

ENGROSSED SENATE BILL NO. 6031, 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 Ranker: "Thank you Mr. President. I just wanted to explain. We had a series of no votes on this side. I just wanted to explain to the good Senator that we think the intent of the bill is good. Just that section that I raised a question on, we need to get some more clarification on that. I look forward to working with the Chair and with the good Senator, the prime sponsor of the bill, because we would definitely not want to have anything get in the way of Senator Sheldon's first environmental bill this session."

SECOND READING

SENATE BILL NO. 6069, by Senators Rivers, Darneille, King, Litzow, Fain, Becker, Kohl-Welles, Roach and Brown

Modifying community custody conditions for sex offenders.

MOTIONS

On motion of Senator Rivers, Substitute Senate Bill No. 6069 was substituted for Senate Bill No. 6069 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. 6069 was advanced to third reading,

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

Senators Rivers and Darneille 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. 6069.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6069 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 6069, 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, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5138, by Senate Committee on Ways & Means (originally sponsored by Senators Parlette and Hargrove).

Creating a council on state debt. Revised for 1st Substitute: Addressing the management of state debt.

The bill was read on Third Reading.

Senators Parlette and Keiser 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 Engrossed Substitute Senate Bill No. 5138.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5138 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Frockt, Hasegawa and Kline

ENGROSSED SUBSTITUTE SENATE BILL NO. 5138, 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, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6094, by Senator Hargrove

Authorizing the use of jail data for research purposes in the public interest.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 6094 was substituted for Senate Bill No. 6094 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. 6094 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6094.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6094 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, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Baumgartner

SUBSTITUTE SENATE BILL NO. 6094, 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. 5991, by Senators Ericksen, Sheldon, Hewitt, Brown, Mullet, Honeyford and Benton

Studying nuclear power as a replacement for electricity generated from the combustion of fossil fuels.

MOTIONS

On motion of Senator Ericksen, Substitute Senate Bill No. 5991 was substituted for Senate Bill No. 5991 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ericksen, the rules were suspended, Substitute Senate Bill No. 5991 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

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Senators McCoy, Rolfes and Frockt spoke against passage of the bill.

Senator Kline spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5991.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5991 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Dammeier, Dansel, Eide, Ericksen, Fain, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Conway, Darneille, Fraser, Frockt, Hargrove, Hasegawa, Keiser, Kline, Kohl-Welles, Lias, Litzow, Nelson, Pedersen, Ranker and Rolfes

SUBSTITUTE SENATE BILL NO. 5991, 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, the Senate advanced to the seventh order of business.

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 5540, by Senate Committee on Ways & Means (originally sponsored by Senators Parlette, Schlicher, Becker, Bailey, Dammeier, Keiser, Rolfes and Frockt).

Expanding opportunities to purchase health care coverage from out-of-state carriers.

The bill was read on Third Reading.

MOTION

On motion of Senator Parlette, the rules were suspended and Second Substitute Senate Bill No. 5540 was returned to second reading for the purpose of amendment.

MOTION

On motion of Senator Fain, further consideration of Second Substitute Senate Bill No. 5540 was deferred and the bill held its place on the second reading calendar.

MOTION

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

SECOND READING

SENATE BILL NO. 6047, by Senators Rolfes and Hewitt

Setting a maximum annual gross sales amount for cottage food operations.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Senate Bill No. 6047 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes 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. 6047.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6047 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 6047, 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. 6115, by Senators Benton, Roach, Billig and Hobbs

Exempting licensed private investigators from process server requirements.

The measure was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 6115 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Conway 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. 6115.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6115 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson,

O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SENATE BILL NO. 6115, 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. 5931, by Senators Hargrove, Becker and Keiser

Clarifying the requirements for health plans offered outside of the exchange.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, Senate Bill No. 5931 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker, Pedersen and Nelson spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5931.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5931 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, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Ericksen, Holmquist Newbry and Padden

SENATE BILL NO. 5931, 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. 6086, by Senators Billig, Ericksen, McCoy and Rolfes

Reducing polychlorinated biphenyls in Washington state. Revised for 1st Substitute: Reducing PCBs in products purchased by agencies.

MOTIONS

On motion of Senator Billig, Substitute Senate Bill No. 6086 was substituted for Senate Bill No. 6086 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Billig, the rules were suspended, Substitute Senate Bill No. 6086 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Billig 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. 6086.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6086 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, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Dinsel

SUBSTITUTE SENATE BILL NO. 6086, 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, the Senate advanced to the eighth order of business.

MOTION

Senator Kline moved adoption of the following resolution:

SENATE RESOLUTION 8683

By Senators Kline, Kohl-Welles, Hasegawa, Rolfes, Frockt, Eide, Hargrove, Litzow, Fain, Fraser, Dammeier, Angel, Conway, Darneille, Ranker, McAuliffe, Roach, Hill, Brown, O'Ban, Pearson, Keiser, Nelson, Lias, Pedersen, Cleveland, Mullet, Hobbs, Hatfield, Chase, and Billig

WHEREAS, The state of Washington has led the nation in many initiatives to end racial disparities, homelessness, economic development, and education, and many of these progressive and groundbreaking initiatives can be attributed to Senator George Fleming, a man who has worked tirelessly for equality and justice; and

WHEREAS, George Fleming completed his degree in business administration at the University of Washington, where he was a well-known Husky football champion who played in the 1960 and 1961 Rose Bowls, and was named a Most Valuable Player of the 1960 Rose Bowl; and

WHEREAS, George Fleming went on to play professional football for the Oakland Raiders and later the Winnipeg Blue Bombers in the Canadian Football League, and he was entered into the Husky Hall of Fame in 1980 and later honored as a Husky Legend in 1998; and

WHEREAS, In 1968, George Fleming was elected to represent the 37th Legislative District in the House of Representatives, and in 1970 he became the second African American to be elected to the Washington State Senate where for over 20 years he sponsored legislation that defends the rights of women, racial and ethnic minorities, senior citizens, and children; and

WHEREAS, George Fleming's legislative accomplishments include: The Office of Minority and Women's Business

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Enterprises, the Housing Finance Commission, and the MESA Program, a high-tech achievement program for minorities and women; and

WHEREAS, George Fleming led legislative efforts to create a state holiday honoring Dr. Martin Luther King, Junior, and mentored some of the first minority legislative staff who have themselves become leaders for Washington state, including Gary Locke, Ron Sims, and Nate Miles; and

WHEREAS, While in the Senate, George Fleming served as Vice Chair of the Democratic Caucus from 1973 to 1980 and Caucus Chair from 1980 to 1988; and

WHEREAS, George Fleming and his wife Tina have two daughters, Sonja and Yemi, and two sons-in-law, Michael and Rodney, as well as five grandchildren, all of Seattle; and

WHEREAS, After five decades of public and community service, George Fleming continues to be one of the most influential leaders in Washington state history; and

WHEREAS, February is Black History Month and a time for all Washingtonians to recognize not only the accomplishments of leaders from our past, but the continuing contributions from our living legends;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and appreciate the work and life of former Senator George Fleming and encourage all citizens to join in the recognition of his many contributions to our great state.

Senators Kline, Padden, Kohl-Welles and Benton spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8683.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mrs. Tina Fleming, wife of former Senator George Fleming, who was present at the rostrum.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the family of former Senator & Mrs. Fleming: Mr. & Mrs. Michael and Yemi (daughter) Fleming Jackson and their children Myles and Naya; and Mr. & Mrs. Michael and Sonja (daughter) Schuett and their children Christopher and Micah was were seated in the gallery.

REMARKS BY THE PRESIDENT

President Owen: “The President did have the great privilege of serving with Senator Fleming a number of years ago. He was so passionate that I remember us being out some place having a diet Coke or something and he spent the next hour an half talking to me about nursing homes. He also beat me in 1988 for this job but we were still friends. It’s a great privilege for me to introduce to you the most distinguished and honored gentleman, Senator George Fleming.”

REMARKS BY GEORGE FLEMING

George Fleming: “Mr. President, and assembled guests, and a special acknowledgement to all the distinguished members of this legislative body. Kind of hard for me not to get emotional, so bear with me. I also want to say to the ladies and gentlemen, my fellow Washingtonians, thank you so much. Words cannot explain the depth and the appreciation I have for you. This ceremony today, this is most memorable. I realize that you have more important

things to do, pass bills and other things so I don’t plan on taking too much of your time. but I do appreciate the recognition of my career in public service is truly special. I also want to thank my family for being there. I must say that things have changed quite a bit since I’ve served here in the chamber and what you legislators go through today is simply amazing. I must say that, much has changed when I was serving here but yet some things remain the same. Sometime it feels like things are so divisive and breaks down along party lines. I’m glad to say that that never happened to our slim majorities but the reason we all got into this business, You and I was because of the people who gave us their vote and placed their trust in us. They wanted us to gather here in sixty or one hundred five days to take care of business that they wanted done. See, to them it was not about republicans, democrats, male or female, it’s truly about whether their issues would be addressed or not. I’ve worked with a bunch of peoples with whom I disagreed with throughout the state, both sides of the aisles. In fact you heard earlier by the Senator some of the things that were there then and not now. I have members of this adjust body refuse to ride the same elevator with me but despite our differences we were able to pass some pretty substantial land mark, pieces of legislation, many of which still stand today. However, while time won’t allow that I would like to thank a lot of people, I do thank Senator Kline and Lieutenant Governor Owen for this ceremony. Also those great former staff people who supported me, the members with whom I served, the lobbyist who provided so much great information who really helped to make this place operate. There was no greater privilege than there being chose to support my constituents. I love this country, I love this state, where else could a poor kid from the south establish a home, get a job and within ten years be chosen by the people of his community to represent their hopes and dreams. To then stay there for over twenty years to the same constituents and I thank them. The George Fleming story is nothing short of an American tale. One that is repeated so many times, so, as you continue with your careers and in some cases you bring them to a close just remember your name may never get on the side of a building or a street named after you, remember, remember that this was really about expectations that you would make the world and the state a better place. If you’ve done either then I salute you and say ‘Job well done’, never in my wildest dreams growing up in the south did I imagine the places I’d go to, China, Taiwan, people I got to meet. It has been an amazing journey and I’m pleased and blessed that I got to spend it with people like you. Thank you.”

MOTION

At 11:50 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:38 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

February 11, 2014

MR. PRESIDENT:
The House has passed:

ENGROSSED HOUSE BILL NO. 1011,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO.
1083,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO.
1675,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1838,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2164,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2191,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2546,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

MOTION

On motion of Senator Billig, Senator Cleveland was excused.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Bailey moved that Mark Mattke, Gubernatorial Appointment No. 9292, be confirmed as a member of the Work Force Training and Education Coordinating Board.

Senator Bailey spoke in favor of the motion.

APPOINTMENT OF MARK MATTKE

The President declared the question before the Senate to be the confirmation of Mark Mattke, Gubernatorial Appointment No. 9292, as a member of the Work Force Training and Education Coordinating Board.

The Secretary called the roll on the confirmation of Mark Mattke, Gubernatorial Appointment No. 9292, as a member of the Work Force Training and Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

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

Absent: Senator Ericksen

Excused: Senator Cleveland

Mark Mattke, Gubernatorial Appointment No. 9292, having received the constitutional majority was declared confirmed as a member of the Work Force Training and Education Coordinating Board.

MOTION

On motion of Senator Rivers, Senator Ericksen was excused.

MOTION

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

SECOND READING

SENATE BILL NO. 6134, by Senators Hobbs, Benton, Hatfield, Mullet and Fain

Addressing nondepository institutions regulated by the department of financial institutions.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Senate Bill No. 6134 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and 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. 6134.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6134 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, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SENATE BILL NO. 6134, 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. 6104, by Senators McAuliffe, Litzow, Hargrove, Hill, Billig, Fraser and Brown

Establishing the interactive gaming in schools public-private partnership.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 6104 was substituted for Senate Bill No. 6104 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 6104 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Litzow 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. 6104.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6104 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, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 6104, 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. 6065, by Senators King, Darneille, Kohl-Welles, Hewitt, Conway and Frockt

Protecting children under the age of eighteen from the harmful effects of exposure to ultraviolet radiation associated with tanning devices.

The measure was read the second time.

MOTION

Senator Benton moved that the following amendment by Senators Benton, Hargrove and Padden be adopted:

On page 2, line 2, after "device", insert "or having any surgical procedure without parental notice and consent."

Senator Benton spoke in favor of adoption of the amendment.

POINT OF ORDER

Senator Pedersen: "Thank you. I believe that the amendment that's been offered is outside the scope and object of the bill. I think briefly that the underlying bill is quite specifically about under age access to tanning devices. The amendment that's been offered expands the scope and object of the bill dramatically to include any surgical procedures undergone by minors. Thank you."

Senator Benton spoke against the point of order.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Pedersen on the scope and object of Senate Bill No. 6065, the President finds and rules as follows: The President finds that the original bill is a measure that regulates only the tanning industry by prohibiting individuals under the age of eighteen from using an ultraviolet tanning device. An owner of a tanning facility who violates this provision is liable for a civil penalty. In contrast, the amendment provides that a parent must be notified before his or her child may receive any surgical procedure.

The President finds that this amendment is clearly outside of both the scope and the object of this bill, and Senator Pedersen's point is well taken."

MOTION

On motion of Senator King, the rules were suspended, Senate Bill No. 6065 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Kohl-Welles and Darneille spoke in favor of passage of the bill.

Senator Benton spoke on final passage.

POINT OF ORDER

Senator Rolfes: "I don't believe the speaker is speaking to the bill. He's speaking to a failed amendment that is not part of the bill."

REMARKS BY THE PRESIDENT

President Owen: "Senator Benton, please make sure your remarks are relative to the issues surrounding this bill."

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6065.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6065 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Billig, Braun, Brown, Chase, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Sheldon and Tom

Voting nay: Senators Becker, Benton, Dansel, Ericksen, Hatfield, Holmquist Newbry, Honeyford and Schoesler

Excused: Senator Cleveland

SENATE BILL NO. 6065, 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 2:21 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:46 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6022, by Senators O'Ban, Keiser and Conway

Protecting state hospital workers.

The measure was read the second time.

MOTION

Senator Conway moved that the following amendment by Senators Conway, Darneille, Fraser, Hasegawa and Keiser be adopted:

On page 3, after line 7, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 41.56 RCW to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to the state with respect to employees working for western state hospital and eastern state hospital.

(2) This chapter governs the collective bargaining relationship between the state and employees working for western state hospital and eastern state hospital, except as follows:

(a) The state shall be represented by the governor or the governor's designee who is appointed under chapter 41.80 RCW, and costs of the negotiations under this section shall be reimbursed as provided in RCW 41.80.140.

(b)(i) The following bargaining units of employees working for western state hospital and eastern state hospital shall be considered appropriate units under this chapter as of the effective date of this section, but there may be proceedings concerning certification and unit clarification under this chapter thereafter:

(A) All nonsupervisory classified employees of the state working for western state hospital in the psychiatric treatment and recovery center, the habilitative mental health unit, and at eastern state hospital in the adult psychiatric unit, forensic services unit, and geropsychiatric unit, excluding persons exempt from the coverage of chapter 41.06 RCW, employees in the Washington management service, confidential employees, supervisors, institutions employees in historically excluded groups that have not been modified by subsequent orders of the public employment relations commission, and all other employees of the state;

(B) All supervisory classified employees of the state working for western state hospital in the psychiatric treatment and recovery center, the habilitative mental health unit, and at eastern state hospital in the adult psychiatric unit, forensic services unit, and geropsychiatric unit, excluding persons exempt from the coverage of chapter 41.06 RCW, employees in the Washington management services, confidential employees, nonsupervisory employees, institutions employees in historically excluded groups that have not been modified by subsequent orders, and all other employees of the state.

(ii) This act does not preclude either party from seeking to clarify the scope of any bargaining unit pursuant to RCW 41.56.060.

(c) The exclusive bargaining representatives recognized under chapter 41.80 RCW as representing the bargaining units of employees working for western state hospital and eastern state hospital shall be the exclusive bargaining representatives recognized under this chapter as representing the bargaining units of employees working for western state hospital and eastern state hospital without the necessity of an election as of the effective date of this section, but there may be proceedings concerning representation under this chapter thereafter.

(d) If an exclusive bargaining representative represents more than one bargaining unit, the exclusive bargaining representative shall negotiate with the governor or the governor's designee one master collective bargaining agreement on behalf of all the employees in bargaining units that the exclusive bargaining representative represents.

(e) Notwithstanding the definition of "collective bargaining" in RCW 41.56.030(4), the scope of collective bargaining for employees working for western state hospital and eastern state hospital: (i) Includes terms and conditions of employment relevant to employee safety, such as staffing levels with a direct relationship to employee workload and safety; (ii) excludes matters pertaining to management rights established in RCW 41.80.040, such as the employer's budget, the size of the agency workforce, and the right to direct and supervise employees; and (iii) is otherwise the same as the scope of collective bargaining described in RCW 41.80.020.

(f) The governor or the governor's designee and one coalition of all the exclusive bargaining representatives subject to this section

and chapter 41.80 RCW shall conduct negotiations regarding the number of names to be certified for vacancies, promotional preferences, and the dollar amount expended on behalf of each employee for health care benefits as described in RCW 41.80.020.

(3) The governor or the governor's designee shall periodically consult with the joint committee on employment relations created in RCW 41.80.010(5) regarding appropriations necessary to implement the compensation and fringe benefit provisions in a collective bargaining agreement and, upon completion of negotiations, advise the committee on the elements of the agreement and on any legislation necessary to implement the agreement.

(4) The governor shall submit a request for funds necessary to implement the compensation and fringe benefit provisions in the collective bargaining agreement or for legislation necessary to implement the agreement. Requests for funds necessary to implement the compensation and fringe benefit provisions of bargaining agreements shall not be submitted to the legislature by the governor unless such requests:

(a) Have been submitted to the director of financial management by October 1st before the legislative session at which the requests are to be considered; and

(b) Have been certified by the director of financial management as being feasible financially for the state or reflects the decision of an arbitration panel reached under section 2 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 41.56 RCW to read as follows:

In addition to the classes of employees listed in RCW 41.56.030(13), the provisions of RCW 41.56.430 through 41.56.452 and 41.56.470, 41.56.480, and 41.56.490 also apply to the employees of the state working for western state hospital and eastern state hospital as provided in this section, subject to the following:

(1) Within ten working days after the first Monday in September of every odd-numbered year, the governor or the governor's designee and the bargaining representative for the appropriate bargaining unit shall attempt to agree on an interest arbitration panel consisting of three members to be used if the parties are not successful in negotiating a comprehensive collective bargaining agreement. Each party shall name one person to serve as its arbitrator on the arbitration panel. The two members so appointed shall meet within seven days following the appointment of the later appointed member to attempt to choose a third member to act as the neutral chair of the arbitration panel. Upon the failure of the arbitrators to select a neutral chair within seven days, the two appointed members shall use one of the two following options in the appointment of the third member, who shall act as chair of the panel: (a) By mutual consent, the two appointed members may jointly request the commission to, and the commission shall, appoint a third member within two days of such a request. Costs of each party's appointee shall be borne by each party respectively; other costs of the arbitration proceedings shall be borne by the commission; or (b) either party may apply to the commission, the federal mediation and conciliation service, or the American arbitration association to provide a list of five qualified arbitrators from which the neutral chair shall be chosen. Each party shall pay the fees and expenses of its arbitrator, and the fees and expenses of the neutral chair shall be shared equally between the parties. Immediately upon selecting an interest arbitration panel, the parties shall cooperate to reserve dates with the arbitration panel for potential arbitration between August 1st and September 15th of the following even-numbered year. The parties shall also prepare a schedule of at least five negotiation dates for the following year, absent an agreement to the contrary. The parties shall execute a written agreement before November 1st of each odd-numbered year setting forth the names of the members of the arbitration panel and the dates reserved for bargaining and arbitration. This subsection imposes minimum obligations only

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and is not intended to define or limit a party's full, good faith bargaining obligation under other sections of this chapter.

(2) The mediator or arbitration panel may consider only matters that are subject to bargaining under section 1(2)(e)(i) of this act, and may not consider matters that are subject to bargaining under section 1(2)(e)(iii) of this act, the number of names to be certified for vacancies, promotional preferences, and the dollar amount expended on behalf of each employee for health care benefits.

(3) The decision of an arbitration panel is not binding on the legislature and, if the legislature does not approve the funds necessary to implement the compensation and fringe benefit provisions in an arbitrated collective bargaining agreement, is not binding on the state or western state hospital and eastern state hospital.

(4) In making its determination, the arbitration panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and, as additional standards or guidelines to aid it in reaching a decision, shall take into consideration the following factors:

(a) The financial ability of the department to pay for the provisions of a collective bargaining agreement;

(b) The constitutional and statutory authority of the employer;

(c) Stipulations of the parties;

(d) Comparison of the terms and conditions of employment relevant to employee safety of personnel involved in the proceedings with the terms and conditions of employment relevant to employee safety of like personnel of like employers of similar size on the west coast of the United States;

(e) Changes in any of the factors listed in this subsection during the pendency of the proceedings; and

(f) Such other factors, not confined to those listed in this subsection, which are normally or traditionally taken into consideration in the determination of matters that are subject to bargaining under section 1(2)(e)(i) of this act and mediation or arbitration under this section.

Sec. 4. RCW 41.80.020 and 2013 2nd sp.s. c 4 s 972 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, the matters subject to bargaining include wages, hours, and other terms and conditions of employment, and the negotiation of any question arising under a collective bargaining agreement.

(2) The employer is not required to bargain over matters pertaining to:

(a) Health care benefits or other employee insurance benefits, except as required in subsection (3) of this section;

(b) Any retirement system or retirement benefit; or

(c) Rules of the human resources director, the director of enterprise services, or the Washington personnel resources board adopted under RCW 41.06.157.

(3) Matters subject to bargaining include the number of names to be certified for vacancies, promotional preferences, and the dollar amount expended on behalf of each employee for health care benefits. However, except as provided otherwise in this subsection for institutions of higher education, negotiations regarding the number of names to be certified for vacancies, promotional preferences, and the dollar amount expended on behalf of each employee for health care benefits shall be conducted between the employer and one coalition of all the exclusive bargaining representatives subject to this chapter and all the exclusive bargaining representatives subject to section 1 of this act. The exclusive bargaining representatives for employees that are subject to chapter 47.64 RCW shall bargain the dollar amount expended on behalf of each employee for health care benefits with the employer as part of the coalition under this subsection. Any such provision agreed to by the employer and the coalition shall be included in all master collective bargaining agreements negotiated by the parties.

For institutions of higher education, promotional preferences and the number of names to be certified for vacancies shall be bargained under the provisions of RCW 41.80.010(4). For agreements covering the 2013-2015 fiscal biennium, any agreement between the employer and the coalition regarding the dollar amount expended on behalf of each employee for health care benefits is a separate agreement and shall not be included in the master collective bargaining agreements negotiated by the parties.

(4) The employer and the exclusive bargaining representative shall not agree to any proposal that would prevent the implementation of approved affirmative action plans or that would be inconsistent with the comparable worth agreement that provided the basis for the salary changes implemented beginning with the 1983-1985 biennium to achieve comparable worth.

(5) The employer and the exclusive bargaining representative shall not bargain over matters pertaining to management rights established in RCW 41.80.040.

(6) Except as otherwise provided in this chapter, if a conflict exists between an executive order, administrative rule, or agency policy relating to wages, hours, and terms and conditions of employment and a collective bargaining agreement negotiated under this chapter, the collective bargaining agreement shall prevail. A provision of a collective bargaining agreement that conflicts with the terms of a statute is invalid and unenforceable.

(7) This section does not prohibit bargaining that affects contracts authorized by RCW 41.06.142.

NEW SECTION. Sec. 5. A new section is added to chapter 41.56 RCW to read as follows:

(1) Collective bargaining negotiations between the state and bargaining units of employees working for western state hospital and eastern state hospital under this chapter shall commence no later than July 1, 2014. A collective bargaining agreement between the state and any bargaining unit of employees working for western state hospital and eastern state hospital entered into under this chapter shall not be effective prior to July 1, 2015.

(2) Any collective bargaining agreement between the state and any bargaining unit of employees working for western state hospital and eastern state hospital entered into under chapter 41.80 RCW before July 1, 2014, that expires after July 1, 2014, shall, unless a superseding agreement complying with this chapter is negotiated by the parties, remain in full force during its duration, but the agreement may not be renewed or extended beyond July 1, 2015, or until superseded by a collective bargaining agreement entered into under this chapter, whichever is later.

(3) The duration of any collective bargaining agreement between the state and bargaining units of employees working for western state hospital and eastern state hospital under this chapter shall not exceed one fiscal biennium." Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "RCW 9A.36.031" insert ", and RCW 41.80.020; adding new sections to chapter 41.56 RCW"

POINT OF ORDER

Senator Padden: "Thank you Mr. President. I believe that the amendment offered is beyond the scope and object of the underlying bill. The underlying bill amends a criminal statute regarding assault under RCW 9A.36.031. The changes proposed by the bill would elevate a simple misdemeanor assault to a felony when the victim is an employee, contractor, intern or volunteer of Western State Hospital, Eastern State Hospital or the Child Study Treatment Center when the person is performing his or her official duties at the time of the assault. By contrast Mr. President, the amendment deals with collective bargaining for

employees of Western and Eastern State Hospitals under RCW Chapter 41.56. It grandfathers in certain bargaining units and mandates certain arbitrations. For these reasons I believe the amendment offered is outside the scope and object of the underlying bill and I respectfully request a ruling on this matter. Thank you.”

Senator Conway spoke against the point of order.

MOTION

On motion of Senator Fain, further consideration of Senate Bill No. 6022 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 6129, by Senators Hill, McAuliffe, Tom, Dammeier, Hobbs, Litzow, Baumgartner and Mullet

Concerning paraeducator development.

MOTIONS

On motion of Senator Hill, Substitute Senate Bill No. 6129 was substituted for Senate Bill No. 6129 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hill, the rules were suspended, Substitute Senate Bill No. 6129 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and McAuliffe 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. 6129.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6129 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, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 6129, 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. 5965, by Senators Padden, Darneille, O'Ban, Mullet, Hargrove, Dammeier, Pearson, Fain, Roach, Kohl-Welles, Kline, Conway, Keiser and McAuliffe

Concerning sexually violent predators.

MOTIONS

On motion of Senator Padden, Substitute Senate Bill No. 5965 was substituted for Senate Bill No. 5965 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5965 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Darneille 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. 5965.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5965 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, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 5965, 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. 6054, by Senators Honeyford, Hobbs, Schoesler, Cleveland, Rivers, King, Dammeier, Bailey, Hatfield and Parlette

Regarding aeronautic safety.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 6054 was substituted for Senate Bill No. 6054 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 6054 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Eide 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. 6054.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6054 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, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette,

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Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 6054, 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. 5969, by Senators O'Ban, McCoy, Schoesler, Hobbs, Hatfield, Brown, Conway, Rolfes, Braun, McAuliffe and Benton

Providing for awarding academic credit for military training.

MOTIONS

On motion of Senator O'Ban, Substitute Senate Bill No. 5969 was substituted for Senate Bill No. 5969 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator O'Ban, the rules were suspended, Substitute Senate Bill No. 5969 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 Substitute Senate Bill No. 5969.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5969 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, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 5969, 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. 6110, by Senators Ericksen and Hobbs

Regulating retainage bonds on public contracts.

MOTIONS

On motion of Senator Ericksen, Substitute Senate Bill No. 6110 was substituted for Senate Bill No. 6110 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ericksen, the rules were suspended, Substitute Senate Bill No. 6110 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ericksen 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. 6110.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6110 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, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 6110, 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. 6005, by Senators Roach and Hasegawa

Eliminating the human resources director. Revised for 1st Substitute: Eliminating the position of human resources director.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 6005 was substituted for Senate Bill No. 6005 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 6005 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hasegawa 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. 6005.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6005 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, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 6005, 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. 6081, by Senators Dammeier, Mullet, Honeyford, Keiser, Kohl-Welles, Conway, McAuliffe and Brown

Creating a grant program to develop and modernize specialized STEM facilities. Revised for 1st Substitute: Concerning grant programs for specialized STEM and all-day kindergarten education facilities.

MOTION

On motion of Senator Dammeier, Substitute Senate Bill No. 6081 was substituted for Senate Bill No. 6081 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 5, on line 35, after "kindergarten" insert:

", or for districts that have implemented state-funded all-day kindergarten in temporary spaces,"

On page 6, on line 4, after "instruction" insert:

". School districts that have implemented state-funded all-day kindergarten in temporary spaces must be ranked as high as schools not having implemented state-funded all-day kindergarten due to a lack of space. For the purposes of this subsection, temporary spaces mean spaces that are not designed as a classroom nor typically used as a classroom, such as the library, auditorium, gymnasium, or in neighboring community facilities not owned by the district."

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser and others on page 5, line 35 to Substitute Senate Bill No. 6081.

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

MOTION

On motion of Senator Dammeier, the rules were suspended, Engrossed Substitute Senate Bill No. 6081 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dammeier 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. 6081.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6081 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, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Padden

Excused: Senator Cleveland

ENGROSSED SUBSTITUTE SENATE BILL NO. 6081, 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. 5360, by Senators Conway, Keiser, Hasegawa, Kohl-Welles, Frockt and Kline

Addressing the collection of unpaid wages.

MOTIONS

On motion of Senator Conway, Substitute Senate Bill No. 5360 was substituted for Senate Bill No. 5360 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Conway, the rules were suspended, Substitute Senate Bill No. 5360 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator 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. 5360.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5360 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, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 5360, 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. 6208, by Senators Hill, Conway, Braun, Hobbs, Kohl-Welles, Chase and Benton

Preserving the integrity of veterans' benefit-related services.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, Senate Bill No. 6208 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill, Conway and Holmquist Newbry 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. 6208.

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ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6208 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, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SENATE BILL NO. 6208, 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. 6522, by Senators Holmquist Newbry and Conway

Restricting the use of personal information gathered during the claims resolution structured settlement agreement process.

The measure was read the second time.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Senate Bill No. 6522 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Conway 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. 6522.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6522 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, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SENATE BILL NO. 6522, 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. 6405, by Senators Baumgartner, Padden, Hargrove and Cleveland

Providing greater consistency in how nonprofit tax-exempt property may be used without jeopardizing the property's tax-exempt status.

The measure was read the second time.

MOTION

On motion of Senator Baumgartner, the rules were suspended, Senate Bill No. 6405 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner 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. 6405.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6405 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, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SENATE BILL NO. 6405, 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. 6007, by Senators Rivers, Hatfield, Braun, Tom and Benton

Clarifying the exemption in the public records act for customer information held by public utilities.

MOTIONS

On motion of Senator Rivers, Substitute Senate Bill No. 6007 was substituted for Senate Bill No. 6007 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. 6007 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rivers 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. 6007.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6007 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, Chase, Conway, Dammeier,

Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 6007, 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 Becker: "Thank you Mr. President. Well, I'm hoping we get out somewhat early tonight. I want to let you know it's my forty-first anniversary today. My husband and I were teasing the other day, he said, 'Four hundred forty.' And I said, 'No, eight hundred and eighty.' We met, my roommate actually introduced us, and it's when I was a stewardess and we came over and we all had dinner and he played a game of spoons and he cheated. I told him that I couldn't even begin to talk to people that cheated. So we have now been married for forty one years and we dated for three years before that and the interesting thing is we got married on my mom and dad's anniversary. My mom will be ninety six in April and so I just want to say, 'Mom, if dad was alive, it'd be Happy Anniversary to you too. 'But Bob I love you lots and I wanted to tell you that formally on the air and Happy Anniversary.'"

SECOND READING

SENATE BILL NO. 6419, by Senators Cleveland, Benton, Keiser, Darneille, Frockt, Billig, Chase, Rolfes, Nelson, Dammeier, Fraser, Eide, Kohl-Welles, Kline, Pedersen, Hargrove, Ranker, Conway and McAuliffe

Concerning expanding access to medicaid programs in border communities.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Senate Bill No. 6419 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and Benton 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. 6419.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6419 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, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette,

Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SENATE BILL NO. 6419, 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. 5064, by Senators Hargrove and Kline

Concerning persons sentenced for offenses committed prior to reaching eighteen years of age.

MOTIONS

On motion of Senator Hargrove, Second Substitute Senate Bill No. 5064 was substituted for Senate Bill No. 5064 and the second 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. 5064 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 Second Substitute Senate Bill No. 5064.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5064 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, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SECOND SUBSTITUTE SENATE BILL NO. 5064, 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

SECOND SUBSTITUTE SENATE BILL NO. 5540, by Senate Committee on Ways & Means (originally sponsored by Senators Parlette, Schlicher, Becker, Bailey, Dammeier, Keiser, Rolfes and Frockt)

Expanding opportunities to purchase health care coverage from out-of-state carriers.

The measure was read the second time.

MOTION

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

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Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

- (1) "Qualifying reciprocal insurer" means a foreign insurer that:
 - (a) Meets the definition of "issuer" pursuant to P.L. 111-148 of 2010, as amended;
 - (b) Is authorized in a state that is a member of the consortium authorized in section 4 of this act;
 - (c) Proposes to sell in Washington only a qualifying reciprocal plan;
 - (d) Has and maintains total adjusted capital that is greater than three times its authorized control level risk-based capital; and
 - (e) To the extent required by the reciprocity agreement between the primary state of issue and the commissioner, complies with state laws applicable to issuers in the state of Washington.
- (2) "Qualifying reciprocal plan" means a plan that:
 - (a) Contains an essential health benefits package that is substantially equal to the essential health benefit benchmark plan designated pursuant to RCW 48.43.715 and provides minimum essential coverage as required by P.L. 111-148 of 2010, as amended;
 - (b) Has been approved by a state regulator for a state with which the commissioner has a reciprocity agreement;
 - (c) Is not a health savings account or qualified high deductible health plan; and
 - (d) Complies with the market rules established in RCW 48.43.700 and 48.43.705.

NEW SECTION. Sec. 2. (1) Each qualifying reciprocal plan issued or renewed must contain the following declaration in bold face type at the beginning of the document:

"The benefits in this policy may not include each of the benefits required by the state of Washington. (Name of state) initially approved this policy for sale, and the benefit requirements of that state are reflected in the policy. The rates applied to calculate premium were not approved by the state of Washington, but by (Name of state). Those requirements may be different from the requirements for policies approved by Washington. Please consult your insurance agent or insurer to determine which health benefits are covered under the policy."

(2) Each qualifying reciprocal insurer offering a qualifying reciprocal plan must provide applicants with a written side by side comparison of health benefits under the plan, including differences in definition of each benefit between Washington law and the law of the approving state, whether the benefit is required under Washington law, and the difference in the premium rate due to the difference in state laws. Where a producer is offering the plan to an applicant, the producer must provide the written comparison.

(3) A qualifying reciprocal insurer offering qualifying reciprocal plans must offer the plan through producers licensed under chapter 48.17 RCW. Electronic marketing and sales of out-of-state policies are permitted under this section.

NEW SECTION. Sec. 3. (1) A qualifying reciprocal plan must use a premium rate schedule approved by its state of issue for the plan, and apply the standards for calculating the premium required by the United States department of health and human services for out-of-state coverage.

(2) The premium rate schedule for a qualifying reciprocal plan may not be adjusted more frequently than once a year.

(3) A qualifying reciprocal plan may only be offered in the small group market in Washington.

(4) A qualifying reciprocal plan is not required to include health benefit mandates required under this title that are not included in the qualifying reciprocal plan.

(5) A qualifying reciprocal plan must be filed with the commissioner for approval prior to use pursuant to RCW 48.18.100. The commissioner shall approve the plan for use in Washington state if the plan meets the requirements of this chapter and shall disapprove it if it does not. When determining whether the qualifying reciprocal plan contains an essential health benefits package that is substantially equal to the essential health benefit benchmark plan designated pursuant to RCW 48.43.715, the commissioner shall utilize the same standards and procedures applicable to carriers licensed in Washington. The commissioner may not rely upon the determination of a member consortium state as to whether the qualifying reciprocal plan contains an essential health benefits package substantially equal to the essential health benefit benchmark plan designated pursuant to RCW 48.43.715.

(6) Except as provided in this section, RCW 48.18.110 may not be grounds for disapproval of a qualifying reciprocal plan.

(7) To the extent consistent with federal law, and except as provided in this chapter, the requirements of chapter 48.43 RCW do not apply to a qualifying reciprocal plan.

NEW SECTION. Sec. 4. (1) Beginning July 1, 2015, the commissioner is authorized to contract with other states to establish and operate a consortium formed through written agreement governing the sale to small groups of a qualifying reciprocal plan, by qualifying reciprocal insurers admitted in one of the states in the consortium. A reciprocity agreement must be executed between the commissioner and the appropriate entity in a participating state prior to the offer and issue of a qualifying reciprocal plan under this chapter. The consortium is not intended to operate as a compact.

(2) The commissioner may not enter into a reciprocity agreement until the commissioner has identified a minimum of five states whose regulatory requirements for the offer and issue of health benefit plans meets or exceeds those of Washington in the areas of network adequacy, consumer protection, marketing requirements, and claims adjudication and processing. The consortium may commence with a reciprocity agreement with just one of the states.

(3) A state may not join the consortium if it has admitted two or more issuers domiciled in Washington that offer health benefit plans, unless five or more other states have joined the consortium.

(4) The commissioner may enter into separate reciprocity agreements, or one uniform agreement. Each reciprocity agreement must establish rules for the management of consumer questions and complaints related to health benefit plans approved by one member state but sold in another. The commissioner may adopt rules to implement consortium rules as necessary to comply with the consortium agreement.

(5) Consortium member states must agree to provide the commissioner with a list of approved qualifying reciprocal plans that meet the standards under this chapter, and their premium rate schedules as they are approved. If a qualifying reciprocity plan is disapproved or otherwise removed from the market pursuant to regulatory action or order, the primary state of issue must notify the commissioner of this action.

(6) The reciprocity agreement must establish a mechanism for payment of premium tax pursuant to chapter 48.14 RCW, payment of regulatory surcharge pursuant to RCW 48.02.190, and collection of any reinsurance or risk adjustment assessments that would otherwise be applicable but for the domicile of the selling insurer.

(7) Qualifying reciprocal insurers must inform each consortium state in writing of the intent to offer a qualifying reciprocal policy in a state not less than sixty days prior to the first date of offer. Reciprocity consortium member states may establish additional requirements for notification and offer applicable to that state.

(8) The commissioner may enter into one or more personal services contracts with third-party contractors to provide services

necessary to accomplish the commissioner's responsibilities under this act.

NEW SECTION. Sec. 5. A qualifying reciprocal plan may be certified as a qualified health plan through the exchange only if it, and its qualifying reciprocal insurer, meet the requirements of the exchange for certification as a qualified health plan, and if the plan follows the market rules established in RCW 48.43.700.

NEW SECTION. Sec. 6. (1) By January 1, 2015, the commissioner must report to the legislature which states have been identified under section 4(2) of this act, and include a plan for seeking a reciprocity agreement with at least one state.

(2) The commissioner must report to the legislature by December 1, 2016, and December 1st of each year following, the status of the reciprocity consortium's formation, membership, the number of qualifying reciprocal plans offered in Washington through the consortium, the effect on the marketplace in Washington, including the health benefits exchange, and must recommend whether continuing reciprocity sales serves the public health and welfare.

Sec. 7. RCW 48.05.070 and 1947 c 79 s .05.07 are each amended to read as follows:

To apply for an original certificate of authority an insurer shall:

(1) File with the commissioner its request therefor showing:

(a) Its name, home office location, type of insurer, organization date, and state or country of its domicile.

(b) The kinds of insurance it proposes to transact.

(c) Additional information as the commissioner may reasonably require.

(2) File with the commissioner:

(a) A copy of its charter as amended, certified, if a foreign or alien insurer, by the proper public officer of the state or country of domicile.

(b) A copy of its bylaws, certified by its proper officer.

(c) A statement of its financial condition, management, and affairs on a form satisfactory to or furnished by the commissioner.

(d) If a foreign or alien insurer, or a domestic reciprocal insurer, an appointment of the commissioner as its attorney to receive service of legal process.

(e) If an alien insurer, a copy of the appointment and authority of its United States manager, certified by its proper officer.

(f) If a foreign or alien insurer, a certificate from the proper public official of its state or country of domicile showing that it is duly organized and is authorized to transact the kinds of insurance proposed to be transacted.

(g) If a domestic reciprocal insurer, the declaration required by RCW 48.10.090 of this code.

(h) Other documents or stipulations as the commissioner may reasonably require to evidence compliance with the provisions of this code.

(3) A qualifying reciprocal insurer, as defined in section 1 of this act, is not required to comply with subsection (2)(a), (b), (c), (e), or (g) of this section.

(4) Deposit with the commissioner the fees required by this code to be paid for filing the accompanying documents, and for the certificate of authority, if granted.

Sec. 8. RCW 48.21.047 and 2010 c 292 s 8 are each amended to read as follows:

(1) An insurer may not offer any health benefit plan to any small employer without complying with RCW 48.21.045(3).

(2) Employers purchasing health plans provided through associations or through member-governed groups formed specifically for the purpose of purchasing health care are not small employers and the plans are not subject to RCW 48.21.045(3).

(3) A qualifying reciprocal plan as defined in section 1 of this act, is not subject to RCW 48.21.045.

(4) For purposes of this section, "health benefit plan," "health

plan," and "small employer" mean the same as defined in RCW 48.43.005.

~~((4))~~ (5) For purposes of this section, "census date" has the same meaning as defined in RCW 48.44.010.

NEW SECTION. Sec. 9. Sections 1 through 6 of this act constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 10. If specific funding for the purposes of section 6 of this act, referencing section 6 of this act by bill or chapter number and section number, is not provided by June 30, 2014, in the omnibus appropriations act, section 6 of this act is null and void."

Correct the title.

Senators Parlette and Pedersen spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Parlette to Second Substitute Senate Bill No. 5540.

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

MOTION

On motion of Senator Parlette, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5540 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette, Keiser and Frockt spoke in favor of passage of the bill.

Senators Pedersen and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5540.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5540 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Conway, Dammeier, Dinsel, Darneille, Eide, Fain, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Ericksen, Fraser, Hasegawa, Kohl-Welles, Liias, Padden and Pedersen

Excused: Senator Cleveland

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5540, 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. 6034, by Senators Pearson, Hargrove, McCoy, Mullet and McAuliffe

Concerning state parks partnership opportunities.

The measure was read the second time.

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MOTION

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

On page 3, beginning on line 3, strike all of section 4 and insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 79A.05 RCW to read as follows:

The commission, in consultation with the department of archaeology and historic preservation, may permit commercial advertising on or in state parks lands and buildings, when all the following conditions are met:

(1) It conforms to the United States secretary of interior's standards for the treatment of historic properties when applied to advertising affecting historic structures, cultural and historic landscapes, and archaeological sites;

(2) It does not detract from the integrity of the park's natural, cultural, historic, and recreational resources and outstanding scenic view sheds; and

(3) It will acknowledge individuals and organizations that are donors or sponsors of park events or projects, or support the sustainability of park concessionaires, lessees, or service providers.

Notwithstanding subsections (1) through (3) of this section, commercial advertising, including product placement, may still be permitted on commission web sites, electronic social media, and printed materials within or outside of state parks.

NEW SECTION. Sec. 5. A new section is added to chapter 79A.05 RCW to read as follows:

(1) When entering into any agreement under RCW 79A.05.345 or otherwise involving the management of state park land or a facility by a public or private partner, the commission shall consider, when appropriate:

(a) If the entity has an adequate source of available funding to assume the financial responsibilities of the agreement;

(b) If the entity has sufficient expertise to assume the scope of responsibilities of the agreement;

(c) If the agreement results in net financial benefits to the state; and

(d) If the agreement results in advancement of the commission's public purpose.

(2) Any agreement subject to this section must include specific performance measures. The performance measures must cover, but are not limited to, the entity's ability to manage financial operating costs, to adequately perform management responsibilities, and to address and respond to public concerns. The agreement must provide that failure to meet any performance measure may lead to the termination of the contract or requirements for remedial action to be taken before the agreement may be extended.

(3) The commission's authority to enter into agreements under RCW 79A.05.345 or this section does not include the ability to rename any state park after a corporate or commercial entity, product, or service."

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

Senators Pearson and Lias spoke in favor of adoption of the amendment.

Senator Chase spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pearson on page 3, line 3 to Senate Bill No. 6034.

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

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "adding" strike "a new section" and insert "new sections"

MOTION

On motion of Senator Pearson, the rules were suspended, Engrossed Senate Bill No. 6034 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Chase spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6034.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6034 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Conway, Dammeier, Dansel, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Darneille and Hasegawa

Excused: Senator Cleveland

ENGROSSED SENATE BILL NO. 6034, 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. 6339, by Senators Fraser, Roach, Kohl-Welles, Benton, Hasegawa, Chase, Keiser and Kline

Concerning coercion of involuntary servitude.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 6339 was substituted for Senate Bill No. 6339 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 6339 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser, Padden, Kohl-Welles, Benton 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. 6339.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6339 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, Chase, Conway, Dammeier, Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 6339, 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. 6074, by Senators Frockt, O'Ban, Mullet, Litzow, Rolfes, Fain, Billig, Rivers, Hasegawa, Kohl-Welles, Conway, Keiser, McAuliffe, Darneille, Fraser, Ranker, Kline and Brown

Enacting provisions to improve educational outcomes for homeless students.

MOTIONS

On motion of Senator Frockt, Substitute Senate Bill No. 6074 was substituted for Senate Bill No. 6074 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Frockt, the rules were suspended, Substitute Senate Bill No. 6074 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt and Litzow 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. 6074.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6074 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, Chase, Conway, Dammeier,

Dansel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senator Cleveland

SUBSTITUTE SENATE BILL NO. 6074, 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 Brown: "I'd like to invite everyone to the Tri-Cities Legislative reception tomorrow evening at the Red Lion Hotel."

PERSONAL PRIVILEGE

Senator Fain: "As Senator Becker was speaking about her anniversary this evening did want to say this is a very special anniversary for my family as well. This is my wife Stephanie's seven year Cancer-versary. So, we're very happy about that. Thank you."

MOTION

At 6:53 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Thursday, February 13, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

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