

FORTY FIFTH DAY, FEBRUARY 27, 2019

2019 REGULAR SESSION

**FORTY FIFTH DAY****MORNING SESSION**Senate Chamber, Olympia  
Wednesday, February 27, 2019

The Senate was called to order at 9:08 a.m. by the President Pro Tempore, Senator Keiser presiding. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Hanaan Ali and Mr. Richard King, presented the Colors. Page Miss McKenna White led the Senate in the Pledge of Allegiance.

The prayer was offered by Dr. Joe Fuiten, Pastor Emeritus, Cedar Park Assembly of God, Bothell.

**MOTION**

At 9:11 a.m., on motion of Senator Liias, the Senate was declared to be at recess until 9:30 a.m. for the purposes of caucuses.

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The Senate was called to order at 9:30 a.m. by the President Pro Tempore, Senator Keiser presiding.

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

**MOTION**

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

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 25, 2019

**SB 5019** Prime Sponsor, Senator Takko: Modifying the expiration date of certain state fire service mobilization laws. Reported by Committee on Ways & Means

**MAJORITY recommendation:** That Second Substitute Senate Bill No. 5019 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Palumbo; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

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**SB 5021** Prime Sponsor, Senator Van De Wege: Granting interest arbitration to department of corrections employees. Reported by Committee on Ways & Means

**MAJORITY recommendation:** That Second Substitute Senate Bill No. 5021 be substituted therefor, and the second substitute bill do pass. Signed by Senators Carlyle; Wagoner; Mullet, Capital Budget Cabinet; Billig; Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Schoesler; Rivers; Pedersen; Palumbo; Liias; Keiser; Hunt; Darneille; Conway and Van De Wege.

**MINORITY recommendation:** That it be referred without recommendation. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Brown, Assistant Ranking Member, Operating; Braun, Ranking Member; Wilson, L.; Warnick; Bailey and Becker.

Referred to Committee on Rules for second reading.

February 25, 2019

**SB 5022** Prime Sponsor, Senator Keiser: Granting binding interest arbitration rights to certain higher education uniformed personnel. Reported by Committee on Ways & Means

**MAJORITY recommendation:** Do pass. Signed by Senators Rolfes, Chair; Pedersen; Frockt, Vice Chair, Operating, Capital Lead; Carlyle; Conway; Darneille; Hunt; Keiser; Liias; Palumbo; Van De Wege; Wagoner and Billig.

**MINORITY recommendation:** Do not pass. Signed by Senator Schoesler.

**MINORITY recommendation:** That it be referred without recommendation. Signed by Senators Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey; Becker; Rivers; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 25, 2019

**SB 5089** Prime Sponsor, Senator Wellman: Increasing early learning access for children ages thirty months and older with developmental delays or disabilities. Reported by Committee on Ways & Means

**MAJORITY recommendation:** That Substitute Senate Bill No. 5089 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Palumbo; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet and Wilson, L.

Referred to Committee on Rules for second reading.

February 25, 2019

**SB 5115** Prime Sponsor, Senator Carlyle: Concerning appliance efficiency standards. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5115 be substituted therefor, and the second substitute bill do pass. Signed by Senators Pedersen; Palumbo; Liias; Keiser; Hunt; Hasegawa; Darneille; Conway; Carlyle; Billig; Mullet, Capital Budget Cabinet; Frockt, Vice Chair, Operating, Capital Lead Rolfes, Chair.

MINORITY recommendation: Do not pass. Signed by Senators Warnick; Wagoner; Van De Wege; Schoesler; Becker; Bailey; Honeyford, Assistant Ranking Member, Capital; Brown, Assistant Ranking Member, Operating; Braun, Ranking Member and Wilson, L.

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

Referred to Committee on Rules for second reading.

February 25, 2019

SB 5127 Prime Sponsor, Senator McCoy: Increasing the traumatic brain injury fee. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5127 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Palumbo; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey; Becker and Wilson, L.

Referred to Committee on Rules for second reading.

February 25, 2019

SB 5163 Prime Sponsor, Senator Hasegawa: Concerning actions for wrongful injury or death. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Mullet, Capital Budget Cabinet; Van De Wege; Hunt; Liias; Palumbo; Pedersen; Hasegawa; Darneille; Conway; Carlyle; Billig; Frockt, Vice Chair, Operating, Capital Lead and Keiser.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L.; Warnick; Wagoner; Schoesler; Becker; Bailey Braun, Ranking Member.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Assistant Ranking Member, Operating Honeyford, Assistant Ranking Member, Capital.

Referred to Committee on Rules for second reading.

February 25, 2019

SB 5183 Prime Sponsor, Senator Kuderer: Concerning relocation assistance for manufactured/mobile home park tenants. Reported by Committee on Ways & Means

MAJORITY recommendation: That it be referred without recommendation. Signed by Senators Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Palumbo; Pedersen; Rivers; Van De Wege; Wagoner; Warnick; Wilson, L.; Frockt, Vice Chair, Operating, Capital Lead Rolfes, Chair.

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

Referred to Committee on Rules for second reading.

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SB 5231 Prime Sponsor, Senator Bailey: Concerning veteran survivor tuition waiver eligibility. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey; Becker; Billig; Carlyle; Conway; Frockt, Vice Chair, Operating, Capital Lead; Darneille; Keiser; Liias; Palumbo; Rivers; Schoesler; Van De Wege; Wagoner; Warnick; Wilson, L.; Hunt Rolfes, Chair.

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

Referred to Committee on Rules for second reading.

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SB 5276 Prime Sponsor, Senator Ericksen: Authorizing hemp production in conformance with the agriculture improvement act of 2018. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5276 be substituted therefor, and the second substitute bill do pass. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Wagoner; Van De Wege; Schoesler; Rivers; Pedersen; Palumbo; Liias; Keiser; Hunt; Hasegawa; Carlyle; Billig; Becker; Bailey; Brown, Assistant Ranking Member, Operating; Braun, Ranking Member; Mullet, Capital Budget Cabinet; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 25, 2019

SB 5277 Prime Sponsor, Senator Warnick: Ensuring the funding of agricultural fairs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5277 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Assistant Ranking Member, Operating; Bailey; Becker; Billig; Hunt; Keiser; Liias; Palumbo; Pedersen; Rivers; Van De Wege; Wagoner; Warnick; Mullet, Capital Budget Cabinet Frockt, Vice Chair, Operating, Capital Lead.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Braun, Ranking Member; Schoesler; Wilson, L. and Carlyle.

MINORITY recommendation: Do not pass. Signed by

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Senator Hasegawa.

Referred to Committee on Rules for second reading.

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SB 5323 Prime Sponsor, Senator Das: Reducing pollution from plastic bags by establishing minimum state standards for the use of bags at retail establishments. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Palumbo; Pedersen and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey; Becker; Rivers; Schoesler; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

February 25, 2019

SB 5332 Prime Sponsor, Senator Pedersen: Concerning vital statistics. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Assistant Ranking Member, Capital; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Palumbo; Pedersen; Rivers; Van De Wege; Wagoner; Warnick; Wilson, L.; Frockt, Vice Chair, Operating, Capital Lead; Rolfes, Chair; Braun, Ranking Member Mullet, Capital Budget Cabinet.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Schoesler; Brown, Assistant Ranking Member, Operating; Becker and Bailey.

Referred to Committee on Rules for second reading.

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SB 5337 Prime Sponsor, Senator Takko: Expanding a sales and use tax exemption for personal property sold between political subdivisions to include sales or uses of personal property as a result of a merger or sales or uses of personal property made under contractual consolidations in which the taxpayer that originally paid the sales or use tax continues to benefit from the personal property. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Capital Budget Cabinet; Warnick; Wagoner; Van De Wege; Schoesler; Rivers; Pedersen; Palumbo; Liias; Keiser; Hunt; Hasegawa; Billig; Carlyle; Becker; Bailey; Brown, Assistant Ranking Member, Operating; Braun, Ranking Member; Wilson, L. Frockt, Vice Chair, Operating, Capital Lead.

Referred to Committee on Rules for second reading.

February 25, 2019

SB 5338 Prime Sponsor, Senator Darneille: Concerning the protection of vulnerable adults. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Warnick; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Bailey; Becker; Billig; Carlyle; Wilson, L.; Hasegawa; Keiser; Liias; Palumbo; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Hunt and Conway.

Referred to Committee on Rules for second reading.

February 25, 2019

SB 5428 Prime Sponsor, Senator Wilson, L.: Concerning veterans' mental health services at institutions of higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Wilson, L.; Van De Wege; Schoesler; Rivers; Pedersen; Palumbo; Liias; Keiser; Hunt; Hasegawa; Darneille; Conway; Carlyle; Billig; Becker; Bailey; Honeyford, Assistant Ranking Member, Capital; Brown, Assistant Ranking Member, Operating; Braun, Ranking Member; Mullet, Capital Budget Cabinet; Frockt, Vice Chair, Operating, Capital Lead; Rolfes, Chair; Wagoner and Warnick.

Referred to Committee on Rules for second reading.

February 25, 2019

SB 5523 Prime Sponsor, Senator Braun: Improving managed care organization performance in caring for medicaid clients. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5523 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Assistant Ranking Member, Operating; Braun, Ranking Member; Mullet, Capital Budget Cabinet; Frockt, Vice Chair, Operating, Capital Lead; Rolfes, Chair; Liias; Palumbo; Rivers; Schoesler; Van De Wege; Wagoner; Warnick; Wilson, L.; Becker; Carlyle; Honeyford, Assistant Ranking Member, Capital and Bailey.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hasegawa; Hunt; Keiser; Pedersen; Billig; Conway and Darneille.

Referred to Committee on Rules for second reading.

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SB 5537 Prime Sponsor, Senator Braun: Expanding community-based behavioral health facilities through issuance of state bonds. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5537 be substituted therefor, and the substitute bill do pass. Signed by Senators Wilson, L.; Frockt, Vice Chair, Operating, Capital Lead; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Bailey; Becker; Hunt; Keiser; Palumbo; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Liias.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Billig and Carlyle.

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

Referred to Committee on Rules for second reading.

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SB 5550 Prime Sponsor, Senator Saldaña: Implementing the recommendations of the pesticide application safety work group. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5550 be substituted therefor, and the substitute bill do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Palumbo; Pedersen; Rivers; Schoesler; Van De Wege and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Wagoner and Wilson, L.

Referred to Committee on Rules for second reading.

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SB 5636 Prime Sponsor, Senator Brown: Concerning fiscal notes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Wilson, L.; Warnick; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Bailey; Becker; Billig; Hasegawa; Hunt; Keiser; Liias; Palumbo; Rivers; Schoesler; Van De Wege and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carlyle and Pedersen.

Referred to Committee on Rules for second reading.

February 25, 2019

SB 5668 Prime Sponsor, Senator Takko: Concerning moneys received at auctions conducted by registered tow truck operators. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5668 be substituted therefor, and the substitute bill do pass. Signed by Senators Wagoner; Warnick; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Bailey; Becker; Wilson, L.; Billig; Hunt; Keiser; Palumbo; Pedersen; Rivers; Schoesler; Van De Wege and Carlyle.

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

Referred to Committee on Rules for second reading.

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SB 5826 Prime Sponsor, Senator Darneille: Maximizing federal funding for prevention and family services and programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Palumbo; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

#### MOTION

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

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 5979 by Senator Honeyford

AN ACT Relating to providing a sales and use tax deferral for the construction of facilities used for mushroom farming; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Ways & Means.

SJM 8011 by Senators Takko, Van De Wege, Mullet, Saldaña, Liias, Randall, Kuderer, Billig, Hunt, Wilson, C., Nguyen, Dhingra, Palumbo, Lovelett, Conway, Pedersen, Carlyle, Cleveland, Rolfes, Keiser, Hobbs, Darneille, McCoy, Das, Wellman, Hasegawa, Salomon and Frockt

Requesting the federal government to address tariffs on agricultural commodities.

Referred to Committee on Ways & Means.

#### MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5979 which had been designated to the Committee on Agriculture, Water, Natural Resources & Parks and was referred to the Committee on Ways & Means.

#### MOTION

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

#### THIRD READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Randall moved that Citlaly P. Ramirez, Senate Gubernatorial Appointment No. 9176, be confirmed as a member of the Western Washington University Board of Trustees.

Senator Randall spoke in favor of the motion.

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APPOINTMENT OF CITLALY P. RAMIREZ

The President Pro Tempore declared the question before the Senate to be the confirmation of Citlaly P. Ramirez, Senate Gubernatorial Appointment No. 9176, as a member of the Western Washington University Board of Trustees.

The Secretary called the roll on the confirmation of Citlaly P. Ramirez, Senate Gubernatorial Appointment No. 9176, as a member of the Western Washington University Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Citlaly P. Ramirez, Senate Gubernatorial Appointment No. 9176, having received the constitutional majority was declared confirmed as a member of the Western Washington University Board of Trustees.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Braun moved that Debbie A. Campbell, Senate Gubernatorial Appointment No. 9230, be confirmed as a member of the Centralia College Board of Trustees.

Senator Braun spoke in favor of the motion.

APPOINTMENT OF DEBBIE A. CAMPBELL

The President Pro Tempore declared the question before the Senate to be the confirmation of Debbie A. Campbell, Senate Gubernatorial Appointment No. 9230, as a member of the Centralia College Board of Trustees.

The Secretary called the roll on the confirmation of Debbie A. Campbell, Senate Gubernatorial Appointment No. 9230, as a member of the Centralia College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Debbie A. Campbell, Senate Gubernatorial Appointment No. 9230, having received the constitutional majority was declared confirmed as a member of the Centralia College Board of Trustees.

PERSONAL PRIVILEGE

Senator Honeyford: "Well thank you Madam President. One

hundred sixty-five years ago on this day the first Territorial Legislature met, so we are celebrating an anniversary. Per diem for sixty days was, it looks like, \$192. The total cost was \$3,560.80 for that first Territorial Legislative day. Thank you Madam President."

EDITOR'S NOTE: Pursuant to a gubernatorial proclamation issued November 28, 1853, on Monday at 10:00 o'clock a.m., February 27, 1854 the Washington Territorial Assembly met at Olympia for the first time. The then twenty-seven member Assembly met on the second floor of the Parker & Coulter express office and general store. The building, at what is now 214 North Capitol Way, was owned by Edmund Sylvester who had founded and platted Olympia.

MOTION

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

SECOND READING

SENATE BILL NO. 5544, by Senators Hobbs, King, Saldaña, Zeiger, Mullet, Padden, Fortunato, O'Ban, Wilson and L.

Increasing the types of commercial driver waivers allowed for military veterans.

MOTION

On motion of Senator Hobbs, Substitute Senate Bill No. 5544 was substituted for Senate Bill No. 5544 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Liias, further consideration of Substitute Senate Bill No. 5544 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5689, by Senators Liias, Saldaña, Pedersen, Wellman, Wilson, C., Randall, Hunt, McCoy, Salomon, Darneille, Hasegawa, Keiser, Kuderer and Nguyen

Concerning harassment, intimidation, bullying, and discrimination in public schools.

MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 5689 was substituted for Senate Bill No. 5689 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 5689 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Hawkins, Schoesler, Padden and Walsh spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5689.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5689 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

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

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

SUBSTITUTE SENATE BILL NO. 5689, 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. 5480, by Senators Brown, Conway, Honeyford and Takko

Concerning the renewal of real estate appraiser certificates, licenses, and registrations.

## MOTION

On motion of Senator Brown, Substitute Senate Bill No. 5480 was substituted for Senate Bill No. 5480 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Brown moved that the following amendment no. 041 by Senator Brown be adopted:

On page 4, after line 20 insert the following:

“**NEW SECTION. Sec. 5.** This act takes effect September 1, 2020.”

On page 1, line 2 of the title, after “registrations;” strike the remainder of the title and insert “amending RCW 18.140.130, 18.140.060, 18.140.160, and 18.140.280; and providing an effective date.”

Senator Brown spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 041 by Senator Brown on page 4, after line 20 to Substitute Senate Bill No. 5480.

The motion by Senator Brown carried and amendment no. 041 was adopted by voice vote.

## MOTION

On motion of Senator Brown, the rules were suspended, Engrossed Substitute Senate Bill No. 5480 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Conway spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the

Senate to be the final passage of Engrossed Substitute Senate Bill No. 5480.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5480 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5480, 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 Liias, the Senate advanced to the eighth order of business.

## MOTION

Senator Mullet moved adoption of the following resolution:

## SENATE RESOLUTION

8614

By Senators Mullet and Das

WHEREAS, The students of the Tahoma High School enrolled in the We the People: The Citizen and Constitution program have exhibited superior knowledge of the Constitution of the United States and the lessons taught by our forefathers; and

WHEREAS, On Saturday, January 12, 2019, the Tahoma High School team won the state We the People competition, the school's 10th consecutive state championship and its twenty-third state championship in the last twenty-five years; and

WHEREAS, These students will represent their state this spring at the thirty-second annual We the People finals in Washington, D.C., where they will aspire to uphold the standards of excellence for which Tahoma High School is known; and

WHEREAS, The Tahoma team is coached by Gretchen Wulfing, who was named Washington's Civic Educator of the Year in 2011 and was honored as one of Washington's Civic Educators of 2016, and who, having coached Tahoma's team for eleven years, has significantly deepened her students' knowledge of the U.S. Constitution and Bill of Rights, helping them build important 21st-century workplace skills, such as working cooperatively as a team, public speaking, managing conflict, and reaching consensus; and

WHEREAS, Studies have shown that students who participate in the We the People program score significantly higher than their peers on tests of both civic knowledge and civic dispositions, including respect for the rule of law, political attentiveness, civic duty, community involvement, commitment to government service, and the norms of political efficacy and political tolerance; and

WHEREAS, In 2018 the Tahoma team took seventh place at the We the People National Finals in Washington, D.C., marking

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the fifth time in the last seven years that the school has advanced to the top ten at the finals;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor Leah Billings, Hitesh Boinpally, Jeremiah Briere, Mahek Buddhdeo, Jacob Burianek, Aidan Callen, Victoria Chung, Melinda Day, Emily DeBolt, Elizabeth Diaz, Drew Fleming, Jacquelyn Gaither, Joshua Hren, Makenna Kilgallon, Gabriel Kilwein, Madeleine Magana, Sierra Muehlbauer, Estelle Neathery, Madeline Nielsen, Emma Percival, Laura Pierson, Joseph Ribera, Christina Ring, Briana Rogers, Eric Rogers, Laena Tieng, Adam Wengreen, and Anika Wilson as "Warriors of the Constitution"; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of Tahoma High School's We the People team, team advisor Gretchen Wulding, and Tahoma High School Principal Terry Duty to convey the respect of this body for a job well done and to wish them success in their continuing endeavors.

Senator Mullet spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8614.

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

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Tahoma High School We the People team and their teacher Ms. Gretchen Wulding who were seated in the gallery.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 5330, by Senators Braun, Van De Wege, Takko, Short, Becker, Rivers, Wagoner and Warnick

Analyzing state regulatory impact on small forest landowners. Revised for 1st Substitute: Analyzing state regulatory impact on small forestland owners.

#### MOTION

On motion of Senator Braun, Substitute Senate Bill No. 5330 was substituted for Senate Bill No. 5330 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Braun moved that the following striking amendment no. 050 by Senators Braun and Van De Wege be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) Small forestland owners own and manage approximately three million two hundred thousand acres of Washington's forestlands and exert a tremendous influence on public resources, including fish bearing streams, water quality, air, wildlife habitat, and carbon sequestration.

(2) Adoption of the forests and fish report was made possible, in part, by the agreement of small forestland owners who

supported the intent of the law despite significant economic impacts to some members of the small forestland owner community. Twenty years after the adoption of the forests and fish report, it is time to evaluate how the increased regulations have impacted small forestland owners and their land.

(3) When the forests and fish report was adopted, the legislature enacted RCW 76.13.100 as follows:

"(1) The legislature finds that increasing regulatory requirements continue to diminish the economic viability of small forest landowners. The concerns set forth in RCW 77.85.180 about the importance of sustaining forestry as a viable land use are particularly applicable to small landowners because of the location of their holdings, the expected complexity of the regulatory requirements, and the need for significant technical expertise not readily available to small landowners. The further reduction in harvestable timber owned by small forest landowners as a result of the rules to be adopted under RCW 76.09.055 will further erode small landowners' economic viability and willingness or ability to keep the lands in forestry use and, therefore, reduce the amount of habitat available for salmon recovery and conservation of other aquatic resources, as defined in RCW 76.09.020.

(2) The legislature finds that the concerns identified in subsection (1) of this section should be addressed by establishing within the department of natural resources a small forest landowner office that shall be a resource and focal point for small forest landowner concerns and policies. The legislature further finds that a forestry riparian easement program shall be established to acquire easements from small landowners along riparian and other areas of value to the state for protection of aquatic resources. The legislature further finds that small forest landowners should have the option of alternate management plans or alternate harvest restrictions on smaller harvest units that may have a relatively low impact on aquatic resources. The small forest landowner office should be responsible for assisting small landowners in the development and implementation of these plans or restrictions."

(4) The twentieth anniversary of the adoption of the forests and fish report into law presents an optimal time to review how the state's regulatory actions, intended to benefit both landowners and habitat, have affected small forestland owners. How have programs intended to make up for the disproportionate economic impact been implemented? What can the legislature do to keep small forestland owners on the landscape, so their land will be available for salmon habitat and water quality rather than converted?

(5)(a) The school of environmental and forest sciences within the college of the environment at the University of Washington must complete a trends analysis.

(b) The trends analysis must address, at a minimum, the following questions:

(i) Have the number of small forestland owners increased or decreased?

(ii)(A) Has the acreage held by small forestland owners increased or decreased?

(B) Of the land no longer owned by small forestland owners, what percentage was converted to nonforest use, became industrial forestland, trust land, or some other use?

(c)(i) The school of environmental and forest sciences at the University of Washington, using the data from the trends analysis and other pertinent information, must:

(A) Determine which factors contributed to small forestland owners selling their land;

(B) Recommend actions the legislature can take to help keep forestland working; and

(C) Assess the effectiveness and implementation of the programs created in RCW 76.13.100(2) which described three programs to assist small forestland owners and mitigate the disproportionate economic impact. The assessment must include:

(I) Evaluating the effectiveness of the small forest landowner office: Does it have adequate resources and authority to successfully address landowner concerns? Has it received adequate funding to implement fully the duties as assigned through RCW 76.13.110?

(II) Forest riparian easement program: Does the structure of the program adequately address economic impact to small forestland owners? Has funding kept up with need? Has the lack of funding resulted in the loss of riparian habitat?

(III) Have meaningful alternate management plans or alternate harvest restrictions been developed for smaller harvest units?

(IV) Has the family forest fish passage program addressed economic impact to landowners and fish passage barriers adequately?

(i) Would meaningful alternate harvest restrictions reduce the financial burden on the forest riparian easement program?

(ii) How can the legislature incentivize small forestland owners to maintain their land as forestland?

(iii) Could a program be developed to facilitate small forestland owner's participation in carbon markets?

(6) The University of Washington may reach out to a broad variety of stakeholders for input.

(7) The policy analysis must use the trends analysis, the regulatory impact analysis, and other data to provide recommendations on ways the forest practices board and the legislature can provide more effective incentives to encourage continued management of nonindustrial forests for forestry uses, including traditional timber harvest uses, open space uses, or as part of developing carbon market schemes.

(8) The University of Washington must report the results of the trends analysis and policy analysis to the appropriate committees of the legislature and the forest practices board by November 1, 2020, with recommendations to improve mitigation measures for small forestland owners and improve retention of working forestland held by small forestland owners.

(9) This section expires December 31, 2020."

On page 1, line 2 of the title, after "owners;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

Senator Braun spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 050 by Senators Braun and Van De Wege to Substitute Senate Bill No. 5330.

The motion by Senator Braun carried and striking amendment no. 050 was adopted by voice vote.

#### MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Substitute Senate Bill No. 5330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5330.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5330 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5330, 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. 5439, by Senators Keiser, King, Kuderer, Conway, McCoy, Saldaña and Wellman

Concerning confidentiality of employment security department records and data.

The measure was read the second time.

#### MOTION

Senator Conway moved that the following striking amendment no. 027 by Senators Keiser and Conway be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 50.13.020 and 2004 c 121 s 5 are each amended to read as follows:

Any information or records concerning an individual or employing unit obtained by the employment security department ((of employment security)) pursuant to the administration of this title ((or other programs for which the department has responsibility)) shall be private and confidential, except as otherwise provided in this chapter. This chapter does not create a rule of evidence. Information or records may be released by the employment security department ((of employment security)) when the release is:

(1) Required by the federal government in connection with, or as a condition of funding for, a program being administered by the employment security department; or

(2) Requested by a county clerk for the purposes of RCW 9.94A.760.

The provisions of RCW 50.13.060 (1) (a), (b) and (c) will not apply to such release.

**Sec. 2.** RCW 50.13.030 and 2005 c 274 s 320 are each amended to read as follows:

The commissioner shall have the authority to adopt, amend, or rescind rules interpreting and implementing the provisions of this chapter. ((In particular, these rules shall specify the procedure to be followed to obtain information or records to which the public has access under this chapter or chapter 42.56 RCW.))

**Sec. 3.** RCW 50.13.040 and 2005 c 274 s 321 are each amended to read as follows:

(1) An individual shall have access to all records and information concerning that individual held by the employment



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security department, unless the information is exempt from disclosure under RCW 42.56.410.

(2) An employing unit shall have access to its own records and to any records and information relating to a benefit claim by an individual if the employing unit is either the individual's last employer or is the individual's base year employer.

(3) An employing unit shall have access to any records and information relating to any decision to allow or deny benefits if:

(a) The decision is based on employment or an offer of employment with the employing unit; or

(b) If the decision is based on material information provided by the employing unit.

(4) An employing unit shall have access to general summaries of benefit claims by individuals whose benefits are chargeable to the employing unit's experience rating or reimbursement account.

(5) The employment security department may disclose records and information deemed confidential under this chapter to a third party acting on behalf of an individual or employing unit that would otherwise be eligible to receive records under subsections (1) through (4) of this section when the employment security department receives a release from the individual, the employing unit, or the third party. The release must be signed and include a statement:

(a) Specifically identifying the information that is to be disclosed;

(b) That state government files will be accessed to obtain the information;

(c) Of the specific purpose or purposes for which the information is sought and that the information obtained under the release will only be used for that purpose or purposes; and

(d) Indicating all the parties who may receive the information disclosed.

**Sec. 4.** RCW 50.13.060 and 2011 1st sp.s. c 43 s 466 are each amended to read as follows:

(1) Unless otherwise required by federal law, only state and local governmental agencies((, including law enforcement agencies, prosecuting agencies, and the executive branch, whether state, local, or federal shall)) and federally recognized Indian tribes as defined in Title 26 U.S.C. Sec. 3306(u) of the federal unemployment tax act may have access to information or records deemed private and confidential under this chapter if the information or records are needed by the agency for official purposes and:

(a) The agency submits an application in ((writing to)) a manner specified by the employment security department for the records or information containing a statement of the official purposes for which the information or records are needed and specific identification of the records or information sought from the employment security department; and

(b) The director, commissioner, chief executive, or other official of the agency requesting records or information has verified the need for the specific information ((in writing either on the application or on a separate document)); and

(c) The agency requesting access has served a copy of the application for records or information on the individual or employing unit whose records or information are sought and has provided the employment security department with proof of service. Service shall be made in a manner which conforms to the civil rules for superior court. The requesting agency shall include with the copy of the application a statement to the effect that the individual or employing unit may contact the public records officer of the employment security department to state any objections to the release of the records or information. The employment security department shall not act upon the application of the requesting agency until at least five days after

service on the concerned individual or employing unit. The employment security department shall consider any objections raised by the concerned individual or employing unit in deciding whether the requesting agency needs the information or records for official purposes.

(2) The requirements of subsection((s)) (1) ((and (9))) of this section shall not apply to the state legislative branch. The state legislature ((shall)) may have access to information or records deemed private and confidential under this chapter, if the legislature or a legislative committee finds that the information or records are necessary and for official purposes. ((If the employment security department does not make information or records available as provided in this subsection, the legislature may exercise its authority granted by chapter 44.16 RCW.))

(3) In cases of emergency the governmental agency requesting access shall not be required to formally comply with the provisions of subsection (1) of this section at the time of the request if the procedures required by subsection (1) of this section are complied with by the requesting agency following the receipt of any records or information deemed private and confidential under this chapter. An emergency is defined as a situation in which irreparable harm or damage could occur if records or information are not released immediately.

(4) The requirements of subsection (1)(c) of this section shall not apply to state and local governmental agencies and federally recognized Indian tribes as defined in Title 26 U.S.C. Sec. 3306(u) of the federal unemployment tax act where the procedures would frustrate the investigation of possible violations of criminal laws or to the release of employing unit names, addresses, number of employees, and aggregate employer wage data for the purpose of state governmental agencies preparing small business economic impact statements under chapter 19.85 RCW or preparing cost-benefit analyses under RCW 34.05.328(1) (c) and (d). ((Information provided by the department and held to be private and confidential under state or federal laws must not be misused or released to unauthorized parties. A person who misuses such information or releases such information to unauthorized parties is subject to the sanctions in RCW 50.13.080.))

(5) State and local governmental agencies ((shall)) and federally recognized Indian tribes as defined in Title 26 U.S.C. Sec. 3306(u) of the federal unemployment tax act may have access to certain records or information((, limited to such items as names, addresses, social security numbers, and general information about benefit entitlement or employer information possessed by the department,)) deemed private and confidential under this chapter for comparison purposes with records or information possessed by the requesting agency to detect improper or fraudulent claims, ((or)) to determine potential tax liability or employer compliance with registration and licensing requirements, or for reasons otherwise within the discharge of their official duties. In those cases the state or local governmental agency or federally recognized Indian tribe as defined in Title 26 U.S.C. Sec. 3306(u) of the federal unemployment tax act shall not be required to comply with subsection (1)(c) of this section, but the requirements of ((the remainder of)) subsection (1)(a) and (b) of this section must be satisfied.

(6) Governmental agencies may have access to certain records and information, limited to employer information possessed by the employment security department for purposes authorized in chapter 50.38 RCW. Access to these records and information is limited to only those individuals conducting authorized statistical analysis, research, and evaluation studies. Only in cases consistent with the purposes of chapter 50.38 RCW are governmental agencies not required to comply with subsection

(1)(c) of this section, but the requirements of ((the remainder of)) subsection (1)(a) and (b) of this section must be satisfied. ((Information provided by the department and held to be private and confidential under state or federal laws shall not be misused or released to unauthorized parties subject to the sanctions in RCW 50.13.080.))

(7) Disclosure to governmental agencies of information or records obtained by the employment security department from the federal government shall be governed by any applicable federal law or any agreement between the federal government and the employment security department where so required by federal law. When federal law does not apply to the records or information state law shall control.

(8) The employment security department may provide information for purposes of statistical analysis and evaluation of the WorkFirst program or any successor state welfare program to the department of social and health services, the office of financial management, and other governmental entities with oversight or evaluation responsibilities for the program in accordance with RCW 43.20A.080. The confidential information provided by the employment security department shall remain the property of the employment security department and may be used by the authorized requesting agencies only for statistical analysis, research, and evaluation purposes as provided in RCW 74.08A.410 and 74.08A.420. The department of social and health services, the office of financial management, or other governmental entities with oversight or evaluation responsibilities for the program are not required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section and applicable federal laws and regulations must be satisfied. The confidential information used for evaluation and analysis of welfare reform supplied to the authorized requesting entities with regard to the WorkFirst program or any successor state welfare program are exempt from public inspection and copying under chapter 42.56 RCW.

(9) ((The disclosure of any records or information by a governmental agency which has obtained the records or information under this section is prohibited unless the disclosure is (a) directly connected to the official purpose for which the records or information were obtained or (b) to another governmental agency which would be permitted to obtain the records or information under subsection (4) or (5) of this section.

(10))) In conducting periodic salary or fringe benefit studies pursuant to law, the office of financial management shall have access to records of the employment security department as may be required for such studies. For such purposes, the requirements of subsection (1)(c) of this section need not apply.

((11))) (10)(a) To promote the reemployment of job seekers, the commissioner may enter into data-sharing contracts with partners of the one-stop ((career development)) system established by P.L. 113-128 or its successor and identified as signatories of local memoranda of understanding. The contracts shall provide for the transfer of data only to the extent that the transfer is necessary for the efficient provisions of workforce programs, including but not limited to public labor exchange, unemployment insurance, worker training and retraining, vocational rehabilitation, vocational education, adult education, transition from public assistance, and support services. The transfer of information under contracts with one-stop partners is exempt from subsection (1)(c) of this section.

(b) An individual who applies for services from the employment security department and whose information will be shared under (a) of this subsection (((11))) must be notified that his or her private and confidential information in the employment security department's records will be shared among the one-stop

partners to facilitate the delivery of one-stop services to the individual. The notice must advise the individual that he or she may request that private and confidential information not be shared among the one-stop partners and the employment security department must honor the request. In addition, the notice must:

(i) Advise the individual that if he or she requests that private and confidential information not be shared among one-stop partners, the request will in no way affect eligibility for services;

(ii) Describe the nature of the information to be shared, the general use of the information by one-stop partner representatives, and among whom the information will be shared;

(iii) Inform the individual that shared information will be used only for the purpose of delivering one-stop services and that further disclosure of the information is prohibited under contract and is not subject to disclosure under chapter 42.56 RCW; and

(iv) Be provided in English and an alternative language selected by the one-stop center or job service center as appropriate for the community where the center is located.

If the notice is provided in-person, the individual who does not want private and confidential information shared among the one-stop partners must immediately advise the one-stop partner representative of that decision. The notice must be provided to an individual who applies for services telephonically, electronically, or by mail, in a suitable format and within a reasonable time after applying for services, which shall be no later than ten working days from the employment security department's receipt of the application for services. ((A one-stop representative must be available to answer specific questions regarding)) Information describing the nature, extent, and purpose for which the information may be shared must be available upon request.

((12))) (11) To facilitate improved operation and evaluation of state programs, the commissioner may enter into data-sharing contracts with other state and local governmental agencies and federally recognized Indian tribes as defined in Title 26 U.S.C. Sec. 3306(u) of the federal unemployment tax act, and by extension their agents, only to the extent that such transfer is necessary for the efficient operation or evaluation of outcomes for those programs. The transfer of information by contract under this subsection is exempt from subsection (1)(c) of this section.

((13) The misuse or unauthorized release of records or information by any person or organization to which access is permitted by this chapter subjects the person or organization to a civil penalty of five thousand dollars and other applicable sanctions under state and federal law. Suit to enforce this section shall be brought by the attorney general and the amount of any penalties collected shall be paid into the employment security department administrative contingency fund. The attorney general may recover reasonable attorneys' fees for any action brought to enforce this section.))

**Sec. 5.** RCW 50.13.070 and 1977 ex.s. c 153 s 7 are each amended to read as follows:

Information or records deemed private and confidential under this chapter shall be available to parties to judicial or formal administrative proceedings only upon a written finding by the presiding officer that the need for the information or records in the proceeding outweighs any reasons for the privacy and confidentiality of the information or records. Information or records deemed private and confidential under this chapter shall not be available in discovery proceedings unless the court in which the action has been filed has made the finding specified above. A judicial or administrative subpoena directed to the employment security department must contain this finding. A subpoena for records or information ((held by the department may be directed to and served upon any employee of the department, but the department may specify by rule which employee shall produce the records or information in compliance with the

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subpoena) under this section must be submitted in a manner prescribed by the employment security department. The employment security department may recover costs of responding to subpoenas, consistent with 20 C.F.R. Sec. 603.8 (2012), for proceedings where the employment security department is not a party.

**Sec. 6.** RCW 50.13.080 and 2005 c 274 s 323 are each amended to read as follows:

(1) The employment security department shall have the right to disclose information or records deemed private and confidential under this chapter to any private person or organization when such disclosure is necessary to permit private contracting parties to assist in the operation and management of the employment security department in instances where certain employment security departmental functions may be delegated to private parties to increase the employment security department's efficiency or quality of service to the public. The private persons or organizations shall use the information or records solely for the purpose for which the information was disclosed and shall be bound by the same rules of privacy and confidentiality as employment security department employees.

(2) Nothing in this section shall be construed as limiting or restricting the effect of RCW 42.56.070((9)) (8).

((3) The misuse or unauthorized release of records or information deemed private and confidential under this chapter by any private person or organization to which access is permitted by this section shall subject the person or organization to a civil penalty of five thousand dollars and other applicable sanctions under state and federal law. Suit to enforce this section shall be brought by the attorney general and the amount of any penalties collected shall be paid into the employment security department administrative contingency fund. The attorney general may recover reasonable attorneys' fees for any action brought to enforce this section.))

**Sec. 7.** RCW 50.13.100 and 1977 ex.s. c 153 s 10 are each amended to read as follows:

Nothing in this chapter shall prevent the disclosure of information or records deemed private and confidential under this chapter if all details identifying an individual or employing unit are deleted so long as the information or records cannot be foreseeably combined with other publicly available information to reveal the identity of an individual or employing unit or the individual or employing unit consents to the disclosure in a manner prescribed by the employment security department.

**NEW SECTION. Sec. 8.** A new section is added to chapter 50.13 RCW to read as follows:

(1) All private persons, governmental agencies, and organizations authorized to receive information from the employment security department under this chapter have an affirmative obligation to take all reasonable actions necessary that are designed to prevent the disclosure of confidential information.

(2) The disclosure of any records or information by a private person, governmental agency, or organization that obtained the records or information from the employment security department under this chapter is prohibited unless expressly permitted by this chapter.

(3) If misuse or an unauthorized disclosure of confidential records or information occurs, all parties aware of the violation must inform the employment security department immediately and take all reasonably available actions to rectify the disclosure to the employment security department's standards.

(4) The misuse or unauthorized disclosure of records or information deemed private and confidential under this chapter by any private person, governmental agency, or organization to which access is permitted by this chapter shall subject the person,

governmental agency, or organization to a civil penalty of up to twenty thousand dollars in 2018 and annually adjusted by the employment security department on the first calendar day of each year based on changes in the United States consumer price index for all urban consumers. Other applicable sanctions under state and federal law also apply. The amount of any penalties collected shall be paid into the employment security department administrative contingency fund. The attorney general may recover reasonable attorneys' fees for any action brought to enforce this section.

(5) Any redisclosure of information obtained under this chapter by a private person, governmental agency, or organization must be expressly permitted by the employment security department prior to redisclosure. Failure to obtain prior approval by the employment security department could subject the private person, governmental agency, or organization to the penalties described in subsection (4) of this section.

(6) State and local governmental agencies and federally recognized Indian tribes as defined in Title 26 U.S.C. Sec. 3306(u) of the federal unemployment tax act are exempt from the penalties described in subsection (4) of this section if the redisclosure is necessary for the state, local, or tribal government to conduct a criminal prosecution.

**NEW SECTION. Sec. 9.** A new section is added to chapter 50.13 RCW to read as follows:

(1) The employment security department shall designate an agency privacy officer to oversee the administration of this chapter and chapter 50A.--- RCW (the new chapter created in section . . . , chapter . . . (Z-0085/19), Laws of 2019. In coordination with the state office of privacy and data protection, the agency privacy officer must:

(a) Develop an agency personal information minimization policy to reduce the use and retention of personal information wherever possible;

(b) Create a work plan that includes the estimated costs of execution for the following:

(i) An inventory of all personal information prepared, owned, used, or retained by the employment security department, that would include the specific type of information, the purpose for its collection, and the extent to which the information is protected from unauthorized access; and

(ii) A map of the physical or digital location of all personal information collected by the employment security department, indexed to the inventory created in (b)(i) of this subsection; and

(c) Report the work plan created under (b) of this subsection to the state office of privacy and data protection annually.

(2) Any inventory or data map records created under subsection (1)(b) of this section that reveal the location of personal information or the extent to which it is protected may not be disclosed under the public records act, chapter 42.56 RCW.

(3) On December 1st of each odd-numbered year, the employment security department must report to the governor and the legislature on the implementation and maintenance of this section, including best practices and recommendations for developing and implementing the employment security department's policy and plan under this section.

(4) For purposes of this section, "personal information" means any information obtained by the employment security department deemed private and confidential under this chapter and chapter 50A.--- RCW (the new chapter created in section . . . , chapter . . . (Z-0085/19), Laws of 2019.

**Sec. 10.** RCW 42.56.410 and 2005 c 274 s 421 are each amended to read as follows:

The following information related to employment security is exempt from disclosure under this chapter:

(1) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes are exempt from disclosure under this chapter; and

(2) Any inventory or data map records created under section 9(1)(b) of this act that reveal the location of personal information or the extent to which it is protected.

**NEW SECTION. Sec. 11.** A new section is added to chapter 50.13 RCW to read as follows:

Except for section 9 of this act, the provisions of this chapter do not apply to information obtained by the employment security department under Title 50A RCW.”

On page 1, line 2 of the title, after “data;” strike the remainder of the title and insert “amending RCW 50.13.020, 50.13.030, 50.13.040, 50.13.060, 50.13.070, 50.13.080, 50.13.100, and 42.56.410; adding new sections to chapter 50.13 RCW; and prescribing penalties.”

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 027 by Senators Keiser and Conway to Senate Bill No. 5439.

The motion by Senator Conway carried and striking amendment no. 027 was adopted by voice vote.

#### MOTION

On motion of Senator Conway, the rules were suspended, Engrossed Senate Bill No. 5439 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and King spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5439.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5439 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SENATE BILL NO. 5439, 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.

The senate resumed consideration of Substitute Senate Bill No. 5544 which had been deferred earlier in the day.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5544, by Senate Committee on Transportation (originally sponsored by Hobbs, King, Saldaña, Zeiger, Mullet, Padden, Fortunato, O'Ban, Wilson and L.)

Increasing the types of commercial driver waivers allowed for military veterans.

#### MOTION

Senator Hobbs moved that the following striking amendment no. 080 by Senators Hobbs and King be adopted:

Strike everything after the enacting clause and insert the following:

“**Sec. 1.** RCW 46.25.060 and 2015 3rd sp.s. c 44 s 207 are each amended to read as follows:

(1)(a) No person may be issued a commercial driver's license unless that person:

(i) Is a resident of this state;

(ii) Has successfully completed a course of instruction in the operation of a commercial motor vehicle that has been approved by the director or has been certified by an employer as having the skills and training necessary to operate a commercial motor vehicle safely;

(iii) If he or she does not hold a valid commercial driver's license of the appropriate classification, has been issued a commercial learner's permit under RCW 46.25.052; and

(iv) Has passed a knowledge and skills examination for driving a commercial motor vehicle that complies with minimum federal standards established by federal regulation enumerated in 49 C.F.R. Part 383, subparts F, G, and H, in addition to other requirements imposed by state law or federal regulation. The department may not allow the person to take the skills examination during the first fourteen days after initial issuance of the person's commercial learner's permit. The examinations must be prescribed and conducted by the department.

(b) In addition to the fee charged for issuance or renewal of any license, the applicant shall pay a fee of no more than ten dollars until June 30, 2016, and thirty-five dollars beginning July 1, 2016, for the classified knowledge examination, classified endorsement knowledge examination, or any combination of classified license and endorsement knowledge examinations. The applicant shall pay a fee of no more than one hundred dollars until June 30, 2016, and two hundred fifty dollars beginning July 1, 2016, for each classified skill examination or combination of classified skill examinations conducted by the department.

(c) The department may authorize a person, including an agency of this or another state, an employer, a private driver training facility, or other private institution, or a department, agency, or instrumentality of local government, to administer the skills examination specified by this section under the following conditions:

(i) The examination is the same which would otherwise be administered by the state;

(ii) The third party has entered into an agreement with the state that complies with the requirements of 49 C.F.R. Sec. 383.75; and

(iii) The director has adopted rules as to the third party testing program and the development and justification for fees charged by any third party.

(d) If the applicant's primary use of a commercial driver's license is for any of the following, then the applicant shall pay a fee of no more than seventy-five dollars until June 30, 2016, and two hundred twenty-five dollars beginning July 1, 2016, for the classified skill examination or combination of classified skill examinations whether conducted by the department or a third-party tester:

(i) Public benefit not-for-profit corporations that are federally supported head start programs; or

(ii) Public benefit not-for-profit corporations that support early

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childhood education and assistance programs as described in RCW ((43.215.405(2))) 43.216.505.

(e) Beginning July 1, 2016, if the applicant's primary use of a commercial driver's license is to drive a school bus, the applicant shall pay a fee of no more than one hundred dollars for the classified skill examination or combination of classified skill examinations conducted by the department.

(f) Beginning July 1, 2016, payment of the examination fees under this subsection entitles the applicant to take the examination up to two times in order to pass.

(2)(a) The department may waive ((the skills examination and)) the requirement for completion of a course of instruction in the operation of a commercial motor vehicle specified in this section for a commercial driver's license applicant who meets the requirements of 49 C.F.R. Sec. 383.77.

(b) For current or former military service members that meet the requirements of 49 C.F.R. Sec. 383.77, the department must require verification of a military service member's driving experience to ensure the requirements for a military waiver are met. The department must obtain and record the training documents of the federal department of defense form 346 for training documentation and verify the federal department of defense form 348 for military license. The form documentation must also include the signature of an authorized commander to verify the number of years of driving experience, miles driven, if applicable, the type of vehicle driven, and provide the rank and position of the military service member. The department must verify the experience has been completed within the last two years.

(i) In order to better prepare military service members for transition to commercial driver employment, careers in construction and transportation, and to understand Washington state's commercial driver's license laws, hours of service, log book, and related civilian requirements, the former military service member must take the basic skills examination and the knowledge test.

(ii) To improve employability in careers in construction and transportation, additional education and training may be made available to former military service members based on their level of experience, interest, or if current experience is older than two years, or not able to be verified. The basic skills examination and the knowledge test basic skills may be taken at any federal veterans affairs approved commercial driver training schools in Washington state.

(c) An applicant who operates a commercial motor vehicle for agribusiness purposes is exempt from the course of instruction completion and employer skills and training certification requirements under this section. By January 1, 2010, the department shall submit recommendations regarding the continuance of this exemption to the transportation committees of the legislature. For purposes of this subsection (2)((b)) (c), "agribusiness" means a private carrier who in the normal course of business primarily transports:

(i) Farm machinery, farm equipment, implements of husbandry, farm supplies, and materials used in farming;

(ii) Agricultural inputs, such as seed, feed, fertilizer, and crop protection products;

(iii) Unprocessed agricultural commodities, as defined in RCW 17.21.020, where such commodities are produced by farmers, ranchers, vineyardists, or orchardists; or

(iv) Any combination of ((b)) (c)(i) through (iii) of this subsection.

The department shall notify the transportation committees of the legislature if the federal government takes action affecting the exemption provided in this subsection (2)((b)) (c).

(3) A commercial driver's license or commercial learner's permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked, or canceled in any state, nor may a commercial driver's license be issued to a person who has a commercial driver's license issued by any other state unless the person first surrenders all such licenses, which must be returned to the issuing state for cancellation.

(4) The fees under this section must be deposited into the highway safety fund unless prior to July 1, 2023, the actions described in (a) or (b) of this subsection occur, in which case the portion of the revenue that is the result of the fee increased in section 207, chapter 44, Laws of 2015 3rd sp. sess. must be distributed to the connecting Washington account created under RCW 46.68.395.

(a) Any state agency files a notice of rule making under chapter 34.05 RCW for a rule regarding a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(b) Any state agency otherwise enacts, adopts, orders, or in any way implements a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(c) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

NEW SECTION. Sec. 2. This act takes effect October 1, 2019."

On page 1, line 2 of the title, after "veterans;" strike the remainder of the title and insert "amending RCW 46.25.060; and providing an effective date."

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 080 by Senators Hobbs and King to Substitute Senate Bill No. 5544.

The motion by Senator Hobbs carried and striking amendment no. 080 was adopted by voice vote.

#### MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute Senate Bill No. 5544 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5544.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5544 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5544, 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 Liias, the Senate advanced to the seventh order of business.

#### THIRD READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Hunt moved that Scott E. Carson, Senate Gubernatorial Appointment No. 9001, be confirmed as a member of the Board of Regents, Washington State University.

Senator Hunt spoke in favor of the motion.

#### APPOINTMENT OF SCOTT E. CARSON

The President Pro Tempore declared the question before the Senate to be the confirmation of Scott E. Carson, Senate Gubernatorial Appointment No. 9001, as a member of the Board of Regents, Washington State University.

The Secretary called the roll on the confirmation of Scott E. Carson, Senate Gubernatorial Appointment No. 9001, as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Scott E. Carson, Senate Gubernatorial Appointment No. 9001, having received the constitutional majority was declared confirmed as a member of the Board of Regents, Washington State University.

#### THIRD READING

#### CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Billig moved that Marty J. Dickinson, Senate Gubernatorial Appointment No. 9216, be confirmed as a member of the Board of Regents, Washington State University.

Senators Billig, Holy and Padden spoke in favor of passage of the motion.

#### APPOINTMENT OF MARTY J. DICKINSON

The President Pro Tempore declared the question before the Senate to be the confirmation of Marty J. Dickinson, Senate Gubernatorial Appointment No. 9216, as a member of the Board of Regents, Washington State University.

The Secretary called the roll on the confirmation of Marty J. Dickinson, Senate Gubernatorial Appointment No. 9216, as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Marty J. Dickinson, Senate Gubernatorial Appointment No. 9216, having received the constitutional majority was declared confirmed as a member of the Board of Regents, Washington State University.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 5395, by Senators Wilson, C., Randall, Keiser, Saldaña, Takko, Mullet, Wellman, Das, Nguyen, Billig, Pedersen, Rolfes, Darneille, Dhingra, Hasegawa, Hunt and Kuderer

Concerning comprehensive sexual health education.

#### MOTION

On motion of Senator Wilson, C., Substitute Senate Bill No. 5395 was substituted for Senate Bill No. 5395 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Padden moved that the following amendment no. 063 by Senator Ericksen be adopted:

On page 1, line 8, after "(1)" strike "(a) By September 1, ((2008)) 2021" and insert "((By September 1, 2008)) (a) Subject to the requirements under section 2 of this act"

On page 2, beginning on line 25, after "(2)" strike all material through "(3)" on line 31

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

On page 4, after line 25, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 28A.315 RCW to read as follows:

(1) The office of the superintendent of public instruction must develop a statewide curriculum for mathematics.

(2) School districts must adopt the statewide curriculum for mathematics."

On page 1, line 4 of the title, after "curriculum;" strike "and" and after "28A.300.475" insert "; and adding a new section to chapter 28A.315 RCW"

Senator Ericksen spoke in favor of adoption of the amendment. Senator Wellman spoke against adoption of the amendment.

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The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 063 by Senator Ericksen on page 1, line 8 to Substitute Senate Bill No. 5395.

The motion by Senator Padden did not carry and amendment no. 063 was not adopted by voice vote.

#### MOTION

Senator Ericksen moved that the following amendment no. 064 by Senator Ericksen be adopted:

On page 1, line 8, after “(1)” strike “(a) By September 1, ((2008)) 2021” and insert “((By September 1, 2008)) (a) Subject to the requirements under section 2 of this act”

On page 2, beginning on line 25, after “(2)” strike all material through “(3)” on line 31

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

On page 4, after line 25, insert the following:

“**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.315 RCW to read as follows:

(1) The office of the superintendent of public instruction must develop a statewide curriculum for English language arts.

(2) School districts must adopt the statewide curriculum for English language arts.”

On page 1, line 4 of the title, after “curriculum;” strike “and” and after “28A.300.475” insert “; and adding a new section to chapter 28A.315 RCW”

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

Senator Wellman spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 064 by Senator Ericksen on page 1, line 8 to Substitute Senate Bill No. 5395.

The motion by Senator Ericksen did not carry and amendment no. 064 was not adopted by voice vote.

#### MOTION

Senator Ericksen moved that the following amendment no. 065 by Senator Ericksen be adopted:

On page 1, line 8, after “(1)” strike “(a) By September 1, ((2008)) 2021” and insert “((By September 1, 2008)) (a) Subject to the requirements under section 2 of this act”

On page 2, beginning on line 25, after “(2)” strike all material through “(3)” on line 31

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

On page 4, after line 25, insert the following:

“**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.315 RCW to read as follows:

(1) The office of the superintendent of public instruction must develop a statewide curriculum for science.

(2) School districts must adopt the statewide curriculum for science.”

On page 1, line 4 of the title, after “curriculum;” strike “and” and after “28A.300.475” insert “; and adding a new section to chapter 28A.315 RCW”

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

Senator Wellman spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 065 by Senator Ericksen on page 1, line 8 to Substitute Senate Bill No. 5395.

The motion by Senator Ericksen did not carry and amendment no. 065 was not adopted by voice vote.

#### MOTION

Senator Ericksen moved that the following amendment no. 066 by Senator Ericksen be adopted:

On page 1, line 8, after “(1)” strike “(a) By September 1, ((2008)) 2021” and insert “((By September 1, 2008)) (a) Subject to the requirements in subsection (2) of this section”

On page 2, beginning on line 25, after “(2)” strike all material through “2021.” on line 30 and insert “The requirements in this section apply to public schools when eighty percent of students in the school’s district are proficient by meeting state standards on the English language arts, mathematics, and science statewide student assessments.”

Senator Ericksen spoke in favor of adoption of the amendment. Senator Wellman spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 066 by Senator Ericksen on page 1, line 8 to Substitute Senate Bill No. 5395.

The motion by Senator Ericksen did not carry and amendment no. 066 was not adopted by voice vote.

#### MOTION

Senator Padden moved that the following amendment no. 070 by Senator Padden be adopted:

On page 1, line 8, after “2021.” insert “and subject to subsection (2) of this section.”

On page 2, line 19, after “((.;))” strike “and”

On page 2, beginning on line 24, after “instruction” strike all material through “2021.” on line 30 and insert “; and

(vi) By September 1, 2020, comprehensive sexual health education must be phased in beginning with students in grades six through twelve. By September 1, 2021, comprehensive sexual health education must be phased in for students in grades kindergarten through five. Full statewide implementation for all public schools and all grade levels must be achieved by September 1, 2021.

(2) The requirements on public schools in this section are subject to a majority approval vote by each school district board of directors.”

Senators Padden, Fortunato, Short and O’Ban spoke in favor of adoption of the amendment.

Senator Wellman spoke against adoption of the amendment.

Senator Ericksen demanded a roll call.

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

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 1, line 8 to Substitute Senate Bill No. 5395.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Padden and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

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

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

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Short and without objection, amendment no. 071 by Senator Short on page 1, line 8 to Substitute Senate Bill No. 5395 was withdrawn.

#### MOTION

Senator Short moved that the following amendment no. 074 by Senator Short be adopted:

On page 1, line 10, after "education)))" insert "to students in grades six through twelve"

On page 2, beginning on line 25, after "(2)" strike all material through "(3)" on line 31

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

Senators Short, Hawkins, Padden, Wilson, L. and Ericksen spoke in favor of adoption of the amendment.

Senators Wellman and Takko spoke against adoption of the amendment.

Senator Short demanded a roll call.

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

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Short on page 1, line 10, to Substitute Senate Bill No. 5395.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Short and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

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

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

#### MOTION

Senator Becker moved that the following amendment no. 075 by Senator Becker be adopted:

On page 2, line 8, after "(c)" insert "and must use clinical terminology"

On page 3, after line 29, insert the following:

"(c) All comprehensive sexual health education curricula and instructional materials must be reviewed by a gynecologist or urologist."

Senator Becker spoke in favor of adoption of the amendment.

Senator Wellman spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 075 by Senator Becker on page 2, line 8 to Substitute Senate Bill No. 5395.

The motion by Senator Becker did not carry and amendment no. 075 was not adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following amendment no. 067 by Senator Wagoner be adopted:

On page 4, beginning on line 1, strike all material through "(8)" on line 12 and insert the following:

~~"((6) Any parent or legal guardian who wishes to have his or her child excused from any planned instruction in sexual health education may do so upon filing a written request with the school district board of directors or its designee, or the principal of the school his or her child attends, or the principal's designee. In addition, any parent or legal guardian may review the sexual health education curriculum offered in his or her child's school by filing a written request with the school district board of directors, the principal of the school his or her child attends, or the principal's designee.)"~~

(7)(a) Public schools that offer comprehensive sexual health education must provide a separate written notice as described in (c) of this subsection to the parent or legal guardian of a student receiving the instruction no less than thirty days in advance of the instruction. The separate written notice is an advisory that comprehensive sexual health education will be provided to the parent or legal guardian's child.

(b) Any parent or legal guardian who chooses to have his or her child excused from any planned instruction in comprehensive sexual health education may do so by notifying the child's school. In addition, any parent or legal guardian may review the comprehensive sexual health education curriculum offered in his or her child's school by notifying the child's school.

(c) The notice required by this subsection must be titled "Comprehensive Sexual Health Education Notification." The title must be printed at the top of the page. The notice shall include all of the following information:

(i) The date, time, and location of the instruction;

(ii) The name of the teacher or administrator in charge of the instruction, and the name and affiliation of any presenters;

(iii) The telephone number at which the teacher or administrator in charge may be reached during regular school hours;

(iv) A reminder that parents and legal guardians may attend the class or assembly;

(v) A reminder of the parent or legal guardian's right to have his or her child not participate in comprehensive sexual health education, and the alternative educational program or activity that will be available if the parent or legal guardian chooses to have his or her child not participate in the comprehensive sexual health education;

(vi) Times and location in which the curriculum and any written, video, or audio materials used are available for review by the parent or legal guardian; and

(vii) Instructions for notifying the school if a parent or legal guardian chooses to have his or her child not participate in comprehensive sexual health education, or chooses to review the



curriculum.

(8)”

Senators Wagoner, Short, Warnick and Ericksen spoke in favor of adoption of the amendment.

Senator Wellman spoke against adoption of the amendment.

Senator Short demanded a roll call.

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

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Wagoner on page 4, line 1, to Substitute Senate Bill No. 5395.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Wagoner and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

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

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

## MOTION

Senator Hawkins moved that the following amendment no. 058 by Senator Hawkins, Wilson, C. and Wellman be adopted:

On page 4, line 6, after “designee.” insert “School districts must grant a parent’s or legal guardian’s written request to have his or her child excused from this instruction.”

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

Senator Ericksen spoke on the adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 058 by Senator Hawkins, Wilson, C. and Wellman on page 4, line 6 to Substitute Senate Bill No. 5395.

The motion by Senator Hawkins carried and amendment no. 058 was adopted by voice vote.

## MOTION

Senator Becker moved that the following amendment no. 076 by Senator Becker be adopted:

On page 4, line 12, after “(8)” insert “A parent or legal guardian may attend his or her child’s class during planned instruction in comprehensive sexual health education.

(9)”

Reumber the remaining subsection consecutively and correct any internal references accordingly.

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

Senator Wellman spoke against adoption of the amendment.

Senator Becker demanded a roll call.

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

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Becker on page 4, line 12 to Substitute Senate Bill No. 5395.

## ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Becker and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

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

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

## MOTION

Senator Padden moved that the following amendment no. 069 by Senator Padden be adopted:

On page 4, after line 25, insert the following:  
 “(10) This section does not apply to charter schools established under chapter 28A.710 RCW.”

Senator Padden spoke in favor of adoption of the amendment.

Senator Wellman spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 069 by Senator Padden on page 4, after line 25 to Substitute Senate Bill No. 5395.

The motion by Senator Padden did not carry and amendment no. 069 was not adopted by voice vote.

## MOTION

Senator Ericksen moved that the following amendment no. 077 by Senator Ericksen be adopted:

On page 4, after line 25, insert the following:

“NEW SECTION, Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

(1) If public schools are required to provide comprehensive sexual health education under RCW 28A.300.475, a Washington K-12 education voucher program is established.

(2) The K-12 education voucher amount for each eligible child shall not be less than the total amount of local, state, and federal funding dedicated per student within the previous school year as determined by each school district.”

On page 1, line 4 of the title, after “curriculum;” strike “and” and after “28A.300.475” insert “; and adding a new section to chapter 28A.300 RCW”

Senator Ericksen spoke in favor of adoption of the amendment.

Senator Wellman spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 077 by Senator Ericksen on page 4, after line 25 to Substitute Senate Bill No. 5395.

The motion by Senator Ericksen did not carry and amendment no. 077 was not adopted by voice vote.

## MOTION

On motion of Senator Wilson, C., the rules were suspended, Engrossed Substitute Senate Bill No. 5395 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C., Wellman and Randall spoke in favor of passage of the bill.

Senators Schoesler, Ericksen, Becker, Fortunato, Warnick, Padden, Walsh, Short, Bailey and Wagoner spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5395.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5395 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser,

Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5395, 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 12:56 p.m., on motion of Senator Lias, the Senate adjourned until 9:00 o'clock a.m. Thursday, February 28, 2019.

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

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5330-SE	Third Reading Final Passage .....	8	5689-S	Second Reading .....	5
5332	Committee Report.....	3		Third Reading Final Passage .....	6
5337	Committee Report.....	3	5826	Committee Report.....	4
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5395	Second Reading .....	14	5979	Introduction & 1st Reading.....	4
5395-S	Other Action.....	16		Other Action.....	4
	Second Reading .....	14, 15, 16, 17	8011	Introduction & 1st Reading.....	4
5395-SE	Third Reading Final Passage .....	18	8614	Adopted.....	7
5428	Committee Report.....	3		Introduced .....	6
5439	Second Reading .....	8	9001 Carson, Scott E.	Confirmed .....	14
			9176 Ramirez, Citlaly P.	Confirmed .....	4
			9216 Dickinson, Marty J.		

Confirmed ..... 14  
 9230 Campbell, Debbie A.  
 Confirmed ..... 5  
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**FLAG BEARERS**  
 Ali, Miss Hanaan ..... 1

King, Mr. Richard ..... 1  
**GUESTS**  
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 Wulfing, Ms. Gretchen, teacher, Tahoma  
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