

FIFTY THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 7, 2013

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Shelbie Sessen and Emily Arras, presented the Colors. Senator Schlicher offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

March 6, 2013

MR. PRESIDENT:

The House has passed:

- SECOND SUBSTITUTE HOUSE BILL NO. 1017,
- SUBSTITUTE HOUSE BILL NO. 1071,
- SUBSTITUTE HOUSE BILL NO. 1075,
- HOUSE BILL NO. 1112,
- SUBSTITUTE HOUSE BILL NO. 1141,
- HOUSE BILL NO. 1154,
- HOUSE BILL NO. 1218,
- SUBSTITUTE HOUSE BILL NO. 1244,
- SUBSTITUTE HOUSE BILL NO. 1309,
- SUBSTITUTE HOUSE BILL NO. 1323,
- HOUSE BILL NO. 1419,
- SUBSTITUTE HOUSE BILL NO. 1498,
- SECOND SUBSTITUTE HOUSE BILL NO. 1764,
- SUBSTITUTE HOUSE BILL NO. 1821,
- SUBSTITUTE HOUSE BILL NO. 1886,
- SUBSTITUTE HOUSE BILL NO. 1889,
- HOUSE BILL NO. 1896,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2013

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE HOUSE BILL NO. 1027,
- SUBSTITUTE HOUSE BILL NO. 1140,
- SUBSTITUTE HOUSE BILL NO. 1172,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1199,
- HOUSE BILL NO. 1227,
- HOUSE BILL NO. 1243,
- SUBSTITUTE HOUSE BILL NO. 1261,
- SUBSTITUTE HOUSE BILL NO. 1285,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1364,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496,
 SUBSTITUTE HOUSE BILL NO. 1525,
 HOUSE BILL NO. 1547,
 SUBSTITUTE HOUSE BILL NO. 1594,
 HOUSE BILL NO. 1631,
 SECOND SUBSTITUTE HOUSE BILL NO. 1663,
 SECOND SUBSTITUTE HOUSE BILL NO. 1671,
 SECOND SUBSTITUTE HOUSE BILL NO. 1723,
 HOUSE BILL NO. 1724,
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5866 by Senators Hargrove and Hatfield

AN ACT Relating to extending the sales and use tax exemption for hog fuel used to produce electricity, steam, heat, or biofuel; amending RCW 82.08.956 and 82.12.956; adding a new section to chapter 82.32 RCW; adding a new section to chapter 43.136 RCW; creating a new section; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5867 by Senators Baumgartner, Ericksen and Holmquist Newbry

AN ACT Relating to the number of judges on the state supreme court; adding a new section to chapter 2.04 RCW; creating new sections; repealing RCW 2.04.070; providing an effective date; and declaring an emergency.

Referred to Committee on Law & Justice.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1001 by House Committee on Government Accountability & Oversight (originally sponsored by Representatives Moeller, Pedersen, Hunt, Clibborn, Green, Van De Wege, Fitzgibbon, Lytton, Appleton, Maxwell, Tharinger, Ormsby, Riccelli, Pollet and Jinkins)

AN ACT Relating to beer and wine theater licenses; amending RCW 66.20.300 and 66.20.310; adding a new section to chapter 66.24 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1003 by Representatives Moeller, Cody, Morrell, Pedersen, Hunt, Clibborn, Green, Van De Wege, Fitzgibbon, Lytton, Appleton and Jinkins

AN ACT Relating to disciplinary actions against the health professions license of the subject of a department of social and health services' finding; amending RCW 18.130.050;

adding a new section to chapter 18.130 RCW; and providing an effective date.

Referred to Committee on Health Care.

SHB 1048 by House Committee on Higher Education (originally sponsored by Representatives Seaquist and Haler)

AN ACT Relating to higher education governance; amending RCW 28A.150.510, 28B.10.630, 28B.50.903, 28B.67.010, 28B.76.335, 28B.76.340, 28B.76.670, 28B.77.003, 28B.77.010, 28B.77.020, 28B.77.070, 28B.105.020, 28B.105.030, 28B.115.100, 28B.115.150, 28B.117.020, 28B.117.030, 28B.118.040, 28B.145.010, 28B.145.030, 28B.145.050, 28B.145.060, and 28B.145.070; reenacting and amending RCW 28B.15.068, 28B.118.010, 43.88.230, and 44.04.260; reenacting RCW 43.330.310; adding new sections to chapter 28B.77 RCW; recodifying RCW 28B.76.335 and 28B.76.340; repealing RCW 44.04.360, 44.04.362, and 44.04.364; and providing an expiration date.

Referred to Committee on Higher Education.

ESHB 1083 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Appleton, Roberts, Jinkins, Freeman and Hunt)

AN ACT Relating to solemnizing marriages; and amending RCW 26.04.050.

Referred to Committee on Law & Justice.

HB 1175 by Representatives Nealey, Haler, Klippert, Walsh, Schmick, Fagan and Ryu

AN ACT Relating to increasing the number of superior court judges in Benton and Franklin counties jointly; amending RCW 2.08.064; and creating a new section.

Referred to Committee on Law & Justice.

HB 1207 by Representatives Haigh, Takko and Ryu

AN ACT Relating to cemetery district formation requirements; and amending RCW 68.52.100 and 68.52.170.

Referred to Committee on Governmental Operations.

2SHB 1217 by House Committee on Finance (originally sponsored by Representatives Takko, Haigh and Ryu)

AN ACT Relating to strengthening the integrity, fairness, and equity in Washington's property assessment system; and amending RCW 84.48.150.

Referred to Committee on Governmental Operations.

SHB 1270 by House Committee on Health Care & Wellness (originally sponsored by Representatives Morrell, Schmick, Green, Harris, Cody and Ryu)

AN ACT Relating to making the board of denturists the disciplining authority for licensed denturists; amending RCW 18.30.030, 18.30.065, 18.30.090, 18.30.095, 18.30.130, and 18.30.135; reenacting and amending RCW 18.130.040 and

18.130.040; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care.

SHB 1271 by House Committee on Health Care & Wellness (originally sponsored by Representatives Jinkins, Johnson, Morrell, Green, Harris, Cody, Ryu and Tharinger)

AN ACT Relating to the practice of denturism; amending RCW 18.30.010; adding a new section to chapter 18.30 RCW; and providing an effective date.

Referred to Committee on Health Care.

HB 1286 by Representatives Sawyer, Dahlquist, McCoy, Clibborn, Jinkins, Ryu, Lias, Zeiger, Tharinger, Santos and Pollet

AN ACT Relating to the sale or exchange of unused department of transportation lands to federally recognized Indian tribes; and amending RCW 47.12.080.

Referred to Committee on Transportation.

HB 1311 by Representatives Chandler, Sells and Moscoso

AN ACT Relating to making coverage of certain maritime service elective for purposes of unemployment compensation; amending RCW 50.24.160 and 50.04.170; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1330 by Representatives Moeller, Harris, Green, Cody, Tharinger, Pettigrew, Appleton, Springer, Roberts, Kagi, Pollet, Moscoso and Morrell

AN ACT Relating to allowing dental hygienists and dental assistants to provide certain services under the supervision of a dentist; amending RCW 18.29.050, 18.29.056, and 18.260.040; and adding a new section to chapter 18.29 RCW.

Referred to Committee on Health Care.

SHB 1343 by House Committee on Appropriations Subcommittee on Health & Human Services (originally sponsored by Representatives Cody, Johnson, Moeller, Walsh, Morrell, Schmick, Green and Moscoso)

AN ACT Relating to the additional surcharge imposed on registered nurses and licensed practical nurses; amending RCW 43.70.110 and 43.70.250; repealing RCW 18.79.2021; and declaring an emergency.

Referred to Committee on Health Care.

HB 1351 by Representatives Condotta and Hurst

AN ACT Relating to identifying wineries, breweries, and microbreweries on private labels; and reenacting and amending RCW 66.28.310.

Referred to Committee on Commerce & Labor.

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HB 1359 by Representatives Van De Wege, Buys, Hunt and Pollet

AN ACT Relating to the state archivist; and amending RCW 40.14.020.

Referred to Committee on Governmental Operations.

EHB 1394 by Representatives Reykdal, Manweller, Sells, Hunt, Green, Van De Wege and Appleton

AN ACT Relating to changing the employment security department's settlement authority; amending RCW 50.24.020; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

EHB 1400 by Representatives Bergquist, Kochmar and Jinkins

AN ACT Relating to clarifying that service includes electronic distribution of hearing notices and orders in administrative proceedings; and amending RCW 34.05.434, 34.05.461, and 34.05.010.

Referred to Committee on Law & Justice.

HB 1404 by Representatives Liias, Walsh, Goodman, Roberts and Jinkins

AN ACT Relating to prevention of alcohol poisoning deaths; amending RCW 66.44.270; and creating a new section.

Referred to Committee on Law & Justice.

SHB 1409 by House Committee on Health Care & Wellness (originally sponsored by Representatives Tharinger, Schmick, Cody, Clibborn, Ross and Jinkins)

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

Referred to Committee on Health Care.

ESHB 1432 by House Committee on Finance (originally sponsored by Representatives Stanford, Hope, Moscoso, Springer, Hayes, Roberts, McCoy, Liias, Kristiansen and Sells)

AN ACT Relating to county property tax levies; and amending RCW 71.20.110 and 73.08.080.

Referred to Committee on Ways & Means.

HB 1436 by Representatives Rodne, Pedersen, Shea and Jinkins

AN ACT Relating to privileging and professional conduct reviews by health care professional review bodies; amending RCW 7.71.030; and reenacting and amending RCW 70.41.200.

Referred to Committee on Law & Justice.

SHB 1456 by House Committee on Government Operations & Elections (originally sponsored by Representatives Hunt, Moscoso, Seaquist, Blake, Riccelli, Reykdal, Stanford, Fitzgibbon and Bergquist)

AN ACT Relating to pretax payroll deductions for qualified transit and parking benefits; and amending RCW 41.04.230.

Referred to Committee on Governmental Operations.

ESHB 1480 by House Committee on Health Care & Wellness (originally sponsored by Representatives Green, Schmick, Cody, Harris and Jinkins)

AN ACT Relating to providing prescription drugs by direct practice providers; amending RCW 48.150.040; and reenacting and amending RCW 48.150.010.

Referred to Committee on Health Care.

EHB 1483 by Representatives Hunt, Johnson, Appleton, Pollet, Reykdal, Moscoso, Van De Wege, Alexander, McCoy, Ryu, Kagi and Jinkins

AN ACT Relating to public and private airport parking facilities; adding a new section to chapter 47.68 RCW; and creating a new section.

Referred to Committee on Transportation.

EHB 1493 by Representatives Springer, Warnick, Hansen, Short, Orcutt, Tharinger, Seaquist, Zeiger, Hunt, Wilcox, Nealey, Morrell, Moscoso, Liias, Stanford, Hudgins, Green, Pettigrew, Moeller, Appleton, Ryu, Bergquist and Stonier

AN ACT Relating to the property taxation of mobile homes and park model trailers; amending RCW 46.44.170; and adding a new section to chapter 84.56 RCW.

Referred to Committee on Financial Institutions, Housing & Insurance.

EHB 1538 by Representatives Morrell, Angel, Green, Ryu, Jinkins and Pollet

AN ACT Relating to the safe practice of public health nurses dispensing certain medications; and adding a new section to chapter 70.05 RCW.

Referred to Committee on Health Care.

SHB 1541 by House Committee on Health Care & Wellness (originally sponsored by Representatives Klippert, Cody, Schmick, Green, Harris, Chandler, Kristiansen, Morrell, Ryu, Angel, Jinkins, Van De Wege and Pollet)

AN ACT Relating to expanding the types of medications that a public or private school employee may administer to include nasal spray; and amending RCW 28A.210.260 and 28A.210.270.

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

SHB 1582 by House Committee on Business & Financial Services (originally sponsored by Representatives Ryu, Warnick, Santos, Kirby and Moscoso)

AN ACT Relating to credit unions' corporate governance, investments, and capital; and amending RCW 31.12.005, 31.12.195, 31.12.225, 31.12.235, 31.12.285, 31.12.365, 31.12.426, 31.12.436, 31.12.438, 31.12.461, and 31.12.630.

Referred to Committee on Financial Institutions, Housing & Insurance.

HB 1609 by Representatives Schmick, Cody and Ryu

AN ACT Relating to the board of pharmacy; amending RCW 18.50.115, 18.53.010, 18.64.001, 18.64.003, 18.64.005, 18.64.009, 18.64.044, 18.64.046, 18.64.047, 18.64.140, 18.64.160, 18.64.165, 18.64.200, 18.64.205, 18.64.245, 18.64.246, 18.64.255, 18.64.257, 18.64.310, 18.64.360, 18.64.390, 18.64.410, 18.64.420, 18.64.450, 18.64.470, 18.64.480, 18.64.490, 18.64.500, 18.64.510, 18.64A.010, 18.64A.020, 18.64A.025, 18.64A.030, 18.64A.040, 18.64A.050, 18.64A.060, 18.64A.070, 18.64A.080, 18.92.012, 18.92.013, 18.92.015, 51.36.010, 64.44.010, 69.04.565, 69.04.730, 69.38.010, 69.38.060, 69.40.055, 69.41.010, 69.41.075, 69.41.080, 69.41.180, 69.41.210, 69.41.240, 69.41.250, 69.41.280, 69.41.310, 69.43.010, 69.43.020, 69.43.030, 69.43.035, 69.43.040, 69.43.043, 69.43.048, 69.43.050, 69.43.060, 69.43.090, 69.43.100, 69.43.105, 69.43.110, 69.43.130, 69.43.140, 69.43.165, 69.43.180, 69.45.010, 69.45.020, 69.45.060, 69.45.080, 69.45.090, 69.50.201, 69.50.203, 69.50.205, 69.50.207, 69.50.208, 69.50.209, 69.50.210, 69.50.211, 69.50.213, 69.50.214, 69.50.301, 69.50.302, 69.50.303, 69.50.304, 69.50.305, 69.50.306, 69.50.308, 69.50.310, 69.50.312, 69.50.320, 69.50.402, 69.50.501, 69.50.504, 69.50.507, 69.50.508, 69.50.601, 69.51.030, 69.51.040, 69.51.050, 69.51.060, 69.60.020, 69.60.040, 69.60.060, 69.60.080, 69.60.090, 70.24.280, 70.54.140, 70.106.150, 70.127.130, 70.225.020, and 82.04.272; reenacting and amending RCW 18.64.011, 18.64.080, 18.130.040, 18.130.040, 28B.115.020, and 42.56.360; adding a new section to chapter 69.50 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care.

SHB 1629 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Schmick, Jinkins, Tharinger, Green, Pollet, Morrell, Santos and Ryu)

AN ACT Relating to eliminating barriers to credentialing and continuing education as a home care aide; amending RCW 18.88B.021, 74.39A.341, and 70.128.230; reenacting and amending RCW 18.20.270; adding a new section to chapter 18.88B RCW; and providing an expiration date.

Referred to Committee on Health Care.

SHB 1635 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Cody, Jinkins, Ryu and Pollet)

AN ACT Relating to disproportionate share hospital adjustments; and amending RCW 74.09.730.

Referred to Committee on Ways & Means.

HB 1660 by Representatives Hansen, Cody, Clibborn, Green, Morrell, Riccelli and Ryu

AN ACT Relating to convening a work group to develop a standardized clinical affiliation agreement for clinical placements associated with the education of physicians and nurses; adding a new section to chapter 43.70 RCW; and providing an expiration date.

Referred to Committee on Health Care.

EBH 1733 by Representatives Riccelli, Hawkins, Bergquist, Alexander, Fitzgibbon, Buys, Tarleton, Manweller, Vick, Reykdal, Sawyer, Sells, Springer, Ryu, Clibborn, Angel, Jinkins, Maxwell, Pollet, Farrell, Moscoso, Ormsby, Morrell and Magendanz

AN ACT Relating to transparency in state capital and transportation budget appropriations and expenditures; amending RCW 44.48.150; and creating a new section.

Referred to Committee on Ways & Means.

SHB 1752 by House Committee on Transportation (originally sponsored by Representatives Orcutt, Clibborn and Ryu)

AN ACT Relating to requirements for the operation of commercial motor vehicles in compliance with federal regulations; amending RCW 46.01.130, 46.25.010, 46.25.010, 46.25.050, 46.25.060, 46.25.070, 46.25.075, 46.25.080, 46.25.100, 46.25.130, 46.25.160, 46.61.667, and 46.61.668; adding new sections to chapter 46.25 RCW; and providing an effective date.

Referred to Committee on Transportation.

SHB 1814 by House Committee on Transportation (originally sponsored by Representatives Ryu, Clibborn, Johnson, Angel, Freeman, Zeiger, Bergquist, Reykdal, Lias, Moeller, Morris, Farrell and Fey)

AN ACT Relating to the agency council on coordinated transportation; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

HB 1860 by Representatives Alexander, Haigh, Ryu and Fey

AN ACT Relating to continuing the use of the legislature's sunset review process; amending RCW 43.131.900; creating a new section; and providing an expiration date.

Referred to Committee on Governmental Operations.

HB 1861 by Representatives Ormsby, Sells, Appleton, Ryu and Freeman

AN ACT Relating to down payment assistance for single-family homeownership; amending RCW 43.180.050; and declaring an emergency.

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Referred to Committee on Financial Institutions, Housing & Insurance.

HB 1863 by Representatives Stonier, Chandler, Sells, Haler, Fitzgibbon, Ross, Bergquist, Goodman, Carlyle, Hope, Reykdal, Ormsby, Stanford, Green, Ryu, Pollet and Freeman

AN ACT Relating to allowing the department of labor and industries to provide information about scholarships available to children and spouses of certain injured or deceased workers; adding a new section to chapter 42.52 RCW; and adding a new section to chapter 51.04 RCW.

Referred to Committee on Commerce & Labor.

HB 1937 by Representatives Ross, Jinkins, Angel, Green, Harris, Cody, Morrell, Hope, Ryu, Schmick and Moscoco

AN ACT Relating to prohibiting a person from selling or giving a vapor product designed solely for smoking or ingesting tobacco to a minor; and amending RCW 26.28.080.

Referred to Committee on Law & Justice.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5866 which was referred to the Committee on Ways & Means.

MOTION

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

The Senate was called to order at 11:48 a.m. by President Owen.

MOTION

On motion of Senator Fain, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

At 11:48 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:33 p.m. by President Owen.

MOTION

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

MOTION

Senator Schoesler moved adoption of the following resolution:

SENATE RESOLUTION
8630

By Senator Schoesler

WHEREAS, The State of Washington has a long history of agricultural sustainability and the production of many highly valued crops; and

WHEREAS, Washington is home to a forty-six billion dollar food and agriculture industry that has played a significant role in creating one hundred sixty thousand jobs and currently stands at over thirteen percent of the state's economy; and

WHEREAS, Washington agriculture maintains a strong national and global trade presence and is a national leader in exporting highly sought products to the world's largest foreign markets; and

WHEREAS, The agricultural industry has demonstrated its continuous dedication to domestic trade and local development by providing its abundant products to wholesale and retail markets around the country while also sustaining strong community markets and working to provide nutritious food to assist Washington's most vulnerable citizens; and

WHEREAS, The food processing industry is a vital component of agriculture and works in tandem with farmers to extend the shelf life of Washington's food and ensure that domestic and international consumers receive attractive, marketable, and safe food products from the state's agricultural industry; and

WHEREAS, High-quality agricultural research has provided leadership in discovering and applying knowledge that contributes to a safe and abundant food, fiber, and energy supply while enhancing the sustainability of agricultural and natural resource systems; and

WHEREAS, The importance of a positive governmental relationship with the agricultural community was recognized from Washington's earliest days as a territory, with agricultural laws passed during the Territorial Assembly's first session in 1854; and

WHEREAS, In 1913, the Department of Agriculture was created to implement laws and regulations and facilitate the growth of the agricultural industry in Washington State; and

WHEREAS, After a century, the Department of Agriculture continues to be relevant in response to the changing needs of the state and the agricultural community by including responsibilities that provide solutions to modern day industry challenges and embracing continuous quality improvement principles and respect for people in order that the citizens and agricultural industry across the state receive a high return on their investment;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate hereby recognize and commend the partnership between the agricultural industry and the Department of Agriculture and their collective commitment to ensure the health and safety of Washington's citizens, crops, livestock, and environment; and

BE IT FURTHER RESOLVED, That the members of the Washington State Senate acknowledge the extraordinary history and heritage of the Department of Agriculture and join it in celebrating its one hundredth anniversary on June 10, 2013, which honors the Department and the agricultural community for their service to the state's citizens, economy, and environment.

Senators Schoesler, Honeyford and Hatfield spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8630.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of the Department of Agriculture who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Benton: "Thank you Mr. President. Members and colleagues, you received today, there on your desks or in your office, a survey from me asking you for your feedback and your input on a number of different senate services that are provided. It would greatly, your responses are going to be shared with the entire F & O Committee. The intent behind the survey is try to do a better job in the areas that you think we need to do a better job, whatever areas those might be. So, I just want to impress upon colleagues to please take the few moments, maybe ten minutes tops that it takes to complete that, get it back to us and we will provide you and the Committee and anybody that would like a summary of those results. It's hard to stay on course or correct course in any organization if you're not soliciting feedback from the people that operate within that organization. So, this is an attempt to try to get your feedback on what you think and what you feel that we're doing well in or what we're not doing well in. And so I want to encourage you to take a few moments to share with me your thoughts on the things that you're interested in. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Fraser: "Thank you Mr. President, I haven't really looked through the questionnaire, speaking on the questionnaire. As a member of the Senate Facilities and Operations Committee and actually the Ranking Member for the Democratic side. I'd just like to notify the senate members that this is not a questionnaire from the F & O Committee. This, the F & O Committee has not met since mid-January and the F & O Committee has not met on this questionnaire. We've never talked about it and so I think it should be treated as a questionnaire from a member. I personally do not think that the title of a Chair should be used unless your acting in the capacity as Chair, where you've talked to the members of the committee. So, I think this should be taken as a request from one member. Thank you."

PERSONAL PRIVILEGE

Senator Roach: "Thank you Mr. President. I would like to inform the body that as Chair of the Governmental Operations Committee, I don't ask every member of the Committee nor do I ask every member of my caucus before I set agendas and move forward on certain issues. If you're the Chair, you're the Chair. You're chair, you don't necessarily have to, you are charged with leading. I don't know about the questionnaire but I welcome it. There's some new things that are going on here that are costing the taxpayer's money that I certainly don't support and I'm looking forward to handing the questionnaire back in. I think when a person's a Chair, we all understand what that means and I think trivial remarks about it really don't help the body. Thank you."

PERSONAL PRIVILEGE

Senator Fraser: "Thank you Mr. President, I would like to note that this is an administrative committee as opposed to a policy committee and the questionnaire was not developed on a bi-partisan basis."

MOTION

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

SECOND READING

SENATE BILL NO. 5048, by Senators Sheldon, Benton and Hargrove

Concerning notice against trespass.

The measure was read the second time.

MOTION

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

On page 2, line 27, after "restricted" strike "or" and insert "and"

On page 2, at the beginning of line 29, insert

"(a)"

On page 2, at the beginning of line 30, strike "(a)" and insert

"(i)"

On page 2, at the beginning of line 32, strike "(b)" and insert

"(ii)"

On page 2, at the beginning of line 34, strike "(c)" and insert

"(iii)"

On page 2, after line 37, insert the following:

"(b) Effective August 15, 2013, a landowner must use signs and fluorescent orange paint for posting in a conspicuous manner. After August 15, 2018, a landowner may use signs or fluorescent orange paint for posting in a conspicuous manner."

Senator Kline spoke in favor of adoption of the amendment.

Senators Sheldon and Roach spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 2, line 27 to Senate Bill No. 5048.

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

MOTION

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

On page 2, line 27, after "restricted" strike "or" and insert "and"

On page 2, at the beginning of line 29, insert the following:

"(a)"

On page 2, at the beginning of line 30, strike "(a)" and insert

"(i)"

On page 2, at the beginning of line 32, strike "(b)" and insert

"(ii)"

On page 2, at the beginning of line 34, strike "(c)" and insert

"(iii)"

On page 2, after line 37, insert the following:

"(b) A landowner must post signs at the entrance of roads located on private property.

(c) Effective August 15, 2013, a landowner must use signs and fluorescent orange paint for posting in a conspicuous manner.

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After August 15, 2018, a landowner may use signs or fluorescent orange paint for posting in a conspicuous manner."

Senator Kline spoke in favor of adoption of the amendment.
Senator Sheldon spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 2, line 27 to Senate Bill No. 5048.

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

MOTION

Senator Sheldon moved that the following amendment by Senators Sheldon, Darneille and Padden be adopted:

On page 2, at the beginning of line 29, insert

"(a)"

On page 2, at the beginning of line 30, strike "(a)" and insert

"(i)"

On page 2, at the beginning of line 32, strike "(b)" and insert "(ii)"

On page 2, at the beginning of line 34, strike "(c)" and insert "(iii)"

On page 2, after line 37, insert the following:

"(b) A landowner must use signs for posting in a conspicuous manner on access roads."

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Sheldon, Darneille and Padden on page 2, line 29 to Senate Bill No. 5048.

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

MOTION

On motion of Senator Sheldon, the rules were suspended, Engrossed Senate Bill No. 5048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.

Senator Kline spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5048.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5048 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Litzow, Mullet, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Frockt, Hasegawa, Kline, Kohl-Welles, McAuliffe, Murray, Nelson and Ranker

ENGROSSED SENATE BILL NO. 5048, 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. 5523, by Senators Benton and Roach

Concerning the property taxation of mobile homes and park model trailers.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5523 was substituted for Senate Bill No. 5523 and the substitute bill was placed on the second reading and read the second time.

Senator Benton spoke in favor of the substitute bill.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5523 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5523.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5523 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Dammeier, Darneille, Eide, Ericksen, Fain, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Cleveland, Conway, Fraser, Frockt, Hasegawa, Kline, Kohl-Welles, McAuliffe and Rolfes

SUBSTITUTE SENATE BILL NO. 5523, 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. 5416, by Senators Bailey, Schlicher, Becker and Keiser

Concerning prescription information.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5416 was substituted for Senate Bill No. 5416 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5416 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5416.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5416 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senator Parlette

SUBSTITUTE SENATE BILL NO. 5416, 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. 5465, by Senators Dammeier, Schlicher, Becker, Keiser and McAuliffe

Concerning exemptions from licensure as a physical therapist.

The measure was read the second time.

MOTION

On motion of Senator Dammeier, the rules were suspended, Senate Bill No. 5465 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5465.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5465 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5465, 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. 5496, by Senators Braun, Fain, Hatfield, Hargrove, Dammeier, Chase and Kohl-Welles

Authorizing approval of online school programs in private schools.

The measure was read the second time.

MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 5496 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5496.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5496 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5496, 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. 5753, by Senators Hobbs, Tom, Hewitt, King and McAuliffe

Providing flexibility in the education system.

MOTION

On motion of Senator Hobbs, Substitute Senate Bill No. 5753 was substituted for Senate Bill No. 5753 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.150.520 and 2005 c 12 s 9 are each amended to read as follows:

To the extent funds are available, public school districts must comply with high-performance public ((building(s))) buildings requirements under RCW 39.35D.010, 39.35D.020, 39.35D.040, 39.35D.060, and 28A.150.530.

Sec. 2. RCW 28A.210.080 and 2007 c 276 s 1 are each amended to read as follows:

(1) The attendance of every child at every public and private school in the state and licensed day care center shall be conditioned upon the presentation before or on each child's first day of attendance at a particular school or center, of proof of either (a) full immunization, (b) the initiation of and compliance with a schedule of immunization, as required by rules of the state board of health, or (c) a certificate of exemption as provided for in RCW 28A.210.090. The attendance at the school or the day care center during any subsequent school year of a child who has initiated a schedule of immunization shall be conditioned upon the presentation of proof of

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compliance with the schedule on the child's first day of attendance during the subsequent school year. Once proof of full immunization or proof of completion of an approved schedule has been presented, no further proof shall be required as a condition to attendance at the particular school or center.

(2)(a) Beginning with sixth grade entry, every public and private school in the state shall provide parents and guardians with access to information about meningococcal disease and its vaccine at the beginning of every school year. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. The information about meningococcal disease shall include:

(i) Its causes and symptoms, how meningococcal disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for meningococcal disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide meningococcal vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of superintendent of public instruction.

(d) This subsection does not create a private right of action.

(3)(a) Beginning with sixth grade entry, every public school in the state shall provide parents and guardians with access to information about human papillomavirus disease and its vaccine at the beginning of every school year. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. The information about human papillomavirus disease shall include:

(i) Its causes and symptoms, how human papillomavirus disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for human papillomavirus disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide human papillomavirus vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of the superintendent of public instruction.

(d) This subsection does not create a private right of action.

(4) Private schools are required by state law to notify parents that information on the human papillomavirus disease prepared by the department of health is available.

Sec. 3. RCW 28A.300.118 and 2000 c 126 s 1 are each amended to read as follows:

(1) Beginning with the 2000-01 school year, the superintendent of public instruction shall notify senior high schools and any other public school that includes ninth grade of the names and contact information of public and private entities offering programs leading to college credit, including information about online advanced placement classes, if the superintendent has knowledge of such entities and if the cost of reporting these entities is minimal.

(2) Beginning with the 2000-01 school year, each senior high school and any other public school that includes ninth grade shall publish annually and deliver to each parent with children enrolled in ninth through twelfth grades, information concerning the entrance requirements and the availability of programs in the local area that

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lead to college credit, including classes such as advanced placement, running start, tech-prep, skill centers, college in the high school, and international baccalaureate programs. The information may be included with other information the school regularly mails to parents. In addition, each senior high school and any other public school that includes ninth grade shall enclose information of the names and contact information of other public or private entities offering such programs, including online advanced placement programs, to its ninth through twelfth grade students if the school has knowledge of such entities.

(3) This section is suspended until July 1, 2015.

Sec. 4. RCW 28A.300.150 and 2006 c 263 s 705 are each amended to read as follows:

The superintendent of public instruction shall collect and disseminate to school districts information on child abuse and neglect prevention curriculum and shall adopt rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools. The superintendent of public instruction and the departments of social and health services and ~~((community, trade, and economic development))~~ commerce shall share relevant information. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

Sec. 5. RCW 28A.300.160 and 1995 c 399 s 21 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall be the lead agency and shall assist the department of social and health services, the department of ~~((community, trade, and economic development))~~ commerce, and school districts in establishing a coordinated primary prevention program for child abuse and neglect.

(2) In developing the program, consideration shall be given to the following:

(a) Parent, teacher, and children's workshops whose information and training is:

(i) Provided in a clear, age-appropriate, nonthreatening manner, delineating the problem and the range of possible solutions;

(ii) Culturally and linguistically appropriate to the population served;

(iii) Appropriate to the geographic area served; and

(iv) Designed to help counteract common stereotypes about child abuse victims and offenders;

(b) Training for school age children's parents and school staff, which includes:

(i) Physical and behavioral indicators of abuse;

(ii) Crisis counseling techniques;

(iii) Community resources;

(iv) Rights and responsibilities regarding reporting;

(v) School district procedures to facilitate reporting and apprise supervisors and administrators of reports; and

(vi) Caring for a child's needs after a report is made;

(c) Training for licensed day care providers and parents that includes:

(i) Positive child guidance techniques;

(ii) Physical and behavioral indicators of abuse;

(iii) Recognizing and providing safe, quality day care;

(iv) Community resources;

(v) Rights and responsibilities regarding reporting; and

(vi) Caring for the abused or neglected child;

(d) Training for children that includes:

(i) The right of every child to live free of abuse;

(ii) How to disclose incidents of abuse and neglect;

(iii) The availability of support resources and how to obtain help;

(iv) Child safety training and age-appropriate self-defense techniques; and

(v) A period for crisis counseling and reporting immediately following the completion of each children's workshop in a school setting which maximizes the child's privacy and sense of safety.

(3) The office of the superintendent of public instruction shall not require annual training under subsection (2) of this section. The office of the superintendent of public instruction may consider offering training every four years, except for new employees who shall receive training within the first year of their hire date. School districts are encouraged to work with private or nonprofit entities that have the ability to provide the appropriate training for staff in accordance with this section.

(4) The primary prevention program established under this section shall be a voluntary program and shall not be part of the basic program of education.

~~((4))~~ (5) Parents shall be given notice of the primary prevention program and may refuse to have their children participate in the program.

Sec. 6. RCW 28A.300.405 and 2000 c 210 s 4 are each amended to read as follows:

(1) Consistent with the legislative findings in RCW 28A.300.390, the legislature shall establish the Washington civil liberties public education program. The program provides grants for the purpose of establishing a legacy of remembrance as part of a continuing process of recovery from the World War II exclusion and detention of individuals of Japanese ancestry. The program is created to do one or both of the following:

~~((+))~~ (a) Educate the public regarding the history and the lessons of the World War II exclusion, removal, and detention of persons of Japanese ancestry through the development, coordination, and distribution of new educational materials and the development of curriculum materials to complement and augment resources currently available on this subject matter; and

~~((2))~~ (b) Develop videos, plays, presentations, speaker bureaus, and exhibitions for presentation to elementary schools, secondary schools, community colleges, and to other interested parties.

(2) This section is suspended until July 1, 2015.

Sec. 7. RCW 28A.300.410 and 2000 c 210 s 5 are each amended to read as follows:

(1) The superintendent of public instruction shall allocate grants under the program established in RCW 28A.300.390 through 28A.300.415 from private donations or within amounts appropriated for this specific purpose. The grants shall be awarded on a competitive basis.

(2) The superintendent of public instruction may contract with independent review panelists and establish an advisory panel to evaluate and make recommendations to the superintendent of public instruction based on grant applications.

(3) The superintendent of public instruction shall select grant recipients from applicants who meet all of the following criteria:

(a) The capability to administer and complete the proposed project within specified deadlines and within the specified budget;

(b) The experience, knowledge, and qualifications necessary to conduct quality educational activities regarding the exclusion and detention of Japanese-Americans during World War II;

(c) Projects that relate the Japanese-American exclusion and detention experience with civil rights included in the Declaration of Independence and the Constitution so that this event may be illuminated and understood in order to prevent similar violations of civil rights in the future;

(d) Projects that are designed to maximize the long-term educational impact of this chapter;

(e) Projects that build upon, contribute to, and expand upon the existing body of educational and research materials on the exclusion and detention of Japanese-Americans during World War II; and

(f) Projects that include the variety of experiences regarding the exclusion and detention of Japanese-Americans and its impact before, during, and after World War II including those Japanese-Americans who served in the military and those who were interned in department of justice camps.

(4) Applicants for grants under the program are encouraged to do each of the following:

(a) Involve former detainees, those excluded from the military area, and their descendants in the development and implementation of projects;

(b) Develop a strategy and plan for raising the level of awareness and understanding among the American public regarding the exclusion and detention of Japanese-Americans during World War II so that the causes and circumstances of this and similar events may be illuminated and understood;

(c) Develop a strategy and plan for reaching the broad, multicultural population through project activities;

(d) Develop local and regional consortia of organizations and individuals engaged in similar educational, research, and development efforts;

(e) Coordinate and collaborate with organizations and individuals engaging in similar educational, research, and development endeavors to maximize the effect of grants;

(f) Utilize creative and innovative methods and approaches in the research, development, and implementation of their projects;

(g) Seek matching funds, in-kind contributions, or other sources of support to supplement their proposal;

(h) Use a variety of media, including new technology, and the arts to creatively and strategically appeal to a broad audience while enhancing and enriching community-based educational efforts;

(i) Include in the grant application, scholarly inquiry related to the variety of experiences and impact of the exclusion and detention of persons of Japanese ancestry during World War II; and

(j) Add relevant materials to or catalogue relevant materials in libraries and other repositories for the creation, publication, and distribution of bibliographies, curriculum guides, oral histories, and other resource directories and supporting the continued development of scholarly work on this subject by making a broad range of archival, library, and research materials more accessible to the American public.

(5) The superintendent of public instruction may adopt other criteria as it deems appropriate for its review of grant proposals. In reviewing projects for funding, scoring shall be based on an evaluation of all application materials including narratives, attachments, support letters, supplementary materials, and other materials that may be requested of applicants.

(6)(a) In the review process, the superintendent of public instruction shall assign the following order of priority to the criteria set forth in subsection (3) of this section:

(i) Subsection (3)(a) through (d) of this section, inclusive, shall be given highest priority; and

(ii) Subsection (3)(e) ~~((through (and)))~~ and (f) of this section, inclusive, shall be given second priority.

(b) The superintendent of public instruction shall consider the overall breadth and variety of the field of applicants to determine the projects that would best fulfill its program and mission. Final grant awards may be for the full amount of the grant requests or for a portion of the grant request.

(7) The superintendent of public instruction shall determine the types of applicants eligible to apply for grants under this program.

(8) The office may accept gifts, grants, or endowments from public or private sources for the program and may spend any gifts,

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grants, or endowments or income from public or private sources according to their terms.

(9) Except to the extent private funds are available, this section is suspended until July 1, 2015.

Sec. 8. RCW 28A.300.520 and 2009 c 578 s 9 are each amended to read as follows:

(1) The superintendent of public instruction shall review current policies and assess the adequacy and availability of programs targeted at children who have a parent who is incarcerated in a department of corrections facility. The superintendent of public instruction shall adopt policies that support the children of incarcerated parents and meet their needs with the goal of facilitating normal child development, including maintaining adequate academic progress, while reducing intergenerational incarceration.

(2) To the extent funds are available, the superintendent shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the students who are the children of inmates incarcerated in department of corrections facilities; and

(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee.

(3) This section is suspended until July 1, 2015.

Sec. 9. RCW 28A.640.020 and 1994 c 213 s 1 are each amended to read as follows:

(1) The superintendent of public instruction shall develop ~~((regulations))~~ rules and guidelines to eliminate sex discrimination as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students.

(a) Specifically with respect to public school employment, all schools shall be required to:

(i) Maintain credential requirements for all personnel without regard to sex;

(ii) Make no differentiation in pay scale on the basis of sex;

(iii) Assign school duties without regard to sex except where such assignment would involve duty in areas or situations, such as but not limited to a shower room, where persons might be disrobed;

(iv) Provide the same opportunities for advancement to males and females; and

(v) Make no difference in conditions of employment including, but not limited to, hiring practices, leaves of absence, hours of employment, and assignment of, or pay for, instructional and noninstructional duties, on the basis of sex.

(b) Specifically with respect to counseling and guidance services for students, they shall be made available to all students equally. All certificated personnel shall be required to stress access to all career and vocational opportunities to students without regard to sex.

(c) Specifically with respect to recreational and athletic activities, they shall be offered to all students without regard to sex. Schools may provide separate teams for each sex. Schools which provide the following shall do so with no disparities based on sex: Equipment and supplies; medical care; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; laundry services; assignment of game officials; opportunities for competition, publicity and awards; scheduling of games and practice times including use of courts, gyms, and pools: PROVIDED, That such scheduling of games and practice times shall be determined by local administrative authorities after consideration of the public and student interest in attending and participating in various recreational and athletic

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activities. Each school which provides showers, toilets, or training room facilities for athletic purposes shall provide comparable facilities for both sexes. Such facilities may be provided either as separate facilities or shall be scheduled and used separately by each sex.

The superintendent of public instruction shall also be required to develop a student survey to distribute every three years to each local school district in the state to determine student interest for male/participation in specific sports.

(d) Specifically with respect to course offerings, all classes shall be required to be available to all students without regard to sex: PROVIDED, That separation is permitted within any class during sessions on sex education or gym classes.

(e) Specifically with respect to textbooks and instructional materials, which shall also include, but not be limited to, reference books and audio-visual materials, they shall be required to adhere to the guidelines developed by the superintendent of public instruction to implement the intent of this chapter: PROVIDED, That this subsection shall not be construed to prohibit the introduction of material deemed appropriate by the instructor for educational purposes.

(2)(a) By December 31, 1994, the superintendent of public instruction shall develop criteria for use by school districts in developing sexual harassment policies as required under (b) of this subsection. The criteria shall address the subjects of grievance procedures, remedies to victims of sexual harassment, disciplinary actions against violators of the policy, and other subjects at the discretion of the superintendent of public instruction. Disciplinary actions must conform with collective bargaining agreements and state and federal laws. The superintendent of public instruction also shall supply sample policies to school districts upon request.

(b) By June 30, 1995, every school district shall adopt and implement a written policy concerning sexual harassment. The policy shall apply to all school district employees, volunteers, parents, and students, including, but not limited to, conduct between students.

(c) School district policies on sexual harassment shall be reviewed by the superintendent of public instruction considering the criteria established under (a) of this subsection as part of the monitoring process established in RCW 28A.640.030.

(d) The school district's sexual harassment policy shall be conspicuously posted throughout each school building, and provided to each employee. Employees may be provided the policy online. A copy of the policy shall appear in any publication of the school or school district setting forth the rules, ~~((regulations,))~~ procedures, and standards of conduct for the school or school district.

(e) Each school shall develop a process for discussing the district's sexual harassment policy. The process shall ensure the discussion addresses the definition of sexual harassment and issues covered in the sexual harassment policy.

(f) The office of the superintendent of public instruction shall not require annual training to address the policies of this section. Training may be offered every four years, except for new employees who shall receive training within the first year of their hire date.

(g) "Sexual harassment" as used in this section means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature if:

(i) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;

(ii) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or

(iii) That conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.

Sec. 10. RCW 28A.655.061 and 2011 1st sp.s. c 22 s 2 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the statewide student assessment, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and, if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the statewide student assessment for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or 28A.655.0611, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school statewide student assessment shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the statewide student assessment at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning with the graduating class of 2015, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the statewide student assessment or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) School districts must make available to students the following options:

(a) To retake the statewide student assessment up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the statewide student assessment up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and

technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the statewide student assessment and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the SAT or the ACT may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the statewide student assessment. A student's score on the science portion of the ACT or the science subject area tests of the SAT may be used as an objective alternative assessment under this section as soon as the state board of education determines that sufficient data is available to identify reliable equivalent scores for the science content area of the statewide student assessment. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the statewide student assessment. A score of three on the AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the statewide student assessment. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the statewide student assessment. A score of three on the AP examination in biology, physics, chemistry, or environmental science may be used as an alternative assessment for the science portion of the statewide student assessment.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

((12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that

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students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection. Student learning plans are required for eighth grade students who were not successful on any or all of the content areas of the state assessment during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

- (a) The student's results on the state assessment;
- (b) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;
- (c) Any credit deficiencies;
- (d) The student's attendance rates over the previous two years;
- (e) The student's progress toward meeting state and local graduation requirements;
- (f) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;
- (g) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;
- (h) The alternative assessment options available to students under this section and RCW 28A.655.065;
- (i) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and
- (j) Available programs offered through skill centers or community and technical colleges, including the college high school diploma options under RCW 28B.50.535.)

Sec. 11. RCW 39.35D.040 and 2011 c 99 s 2 are each amended to read as follows:

(1) All major facility projects of public school districts receiving any funding in a state capital budget must be designed and constructed to at least the LEED silver standard or the Washington sustainable school design protocol. To the extent appropriate LEED silver or Washington sustainable school design protocol standards exist for the type of building or facility, this subsection applies to major facility projects that have not received project approval from the superintendent of public instruction prior to: (a) July 1, 2006, for volunteering school districts; (b) July 1, 2007, for class one school districts; and (c) July 1, 2008, for class two school districts.

(2) Public school districts under this section shall: (a) Monitor and document appropriate operating benefits and savings resulting from major facility projects designed and constructed as required under this section for a minimum of five years following local board acceptance of a project receiving state funding; and (b) report annually to the superintendent of public instruction. The form and content of each report must be mutually developed by the office of the superintendent of public instruction in consultation with school districts.

(3) The superintendent of public instruction shall consolidate the reports required in subsection (2) of this section into one report and report to the governor and legislature by September 1st of each even-numbered year beginning in 2006 and ending in 2016. In its report, the superintendent of public instruction shall also report on the implementation of this chapter, including reasons why the LEED standard or Washington sustainable school design protocol was not used as required by RCW 39.35D.020(5)(b). The

superintendent of public instruction shall make recommendations regarding the ongoing implementation of this chapter, including a discussion of incentives and disincentives related to implementing this chapter.

(4) The superintendent of public instruction shall develop and issue guidelines for administering this chapter for public school districts. The purpose of the guidelines is to define a procedure and method for employing and verifying compliance with the LEED silver standard or the Washington sustainable school design protocol.

(5) The superintendent of public instruction shall utilize the school facilities advisory board as a high-performance buildings advisory committee comprised of affected public schools, the superintendent of public instruction, the department, and others at the superintendent of public instruction's discretion to provide advice on implementing this chapter. Among other duties, the advisory committee shall make recommendations regarding an education and training process and an ongoing evaluation or feedback process to help the superintendent of public instruction implement this chapter.

(6) For projects that comply with this section by meeting the LEED silver standard, the superintendent of public instruction must credit one additional point for a project that uses wood products with a credible third-party sustainable forest certification or from forests regulated under chapter 76.09 RCW, the Washington forest practices act. For projects that qualify for this additional point, and for which an additional point would have resulted in formal certification under the LEED silver standard, the project must be deemed to meet the requirements of subsection (1) of this section.

(7) School districts are required to comply with this section only to the extent federal or state funds are available.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

- (1) RCW 28A.210.130 (Immunization program--Superintendent of public instruction to provide information) and 1990 c 33 s 197 & 1985 c 49 s 4;
- (2) RCW 28A.220.050 (Information on proper use of left-hand lane) and 1986 c 93 s 4;
- (3) RCW 28A.220.080 (Information on motorcycle awareness) and 2007 c 97 s 4 & 2004 c 126 s 1;
- (4) RCW 28A.220.085 (Information on driving safely among bicyclists and pedestrians) and 2008 c 125 s 4;
- (5) RCW 28A.230.150 (Temperance and Good Citizenship Day--Aids in programming) and 1969 ex.s. c 223 s 28A.02.090;
- (6) RCW 28A.300.280 (Conflict resolution program) and 1994 sp.s. c 7 s 611; and
- (7) RCW 28A.320.185 (School gardens or farms) and 2008 c 215 s 7.

NEW SECTION. Sec. 13. Sections 3 and 6 through 8 of this act expire July 1, 2015.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

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

MOTION

Senator Hobbs moved that the following amendment by Senators Hobbs and Litzow to the striking amendment be adopted:

Beginning on page 1, line 9 of the amendment, strike all of section 2

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

Beginning on page 4, line 4 of the amendment, strike all of sections 5 through 9

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

On page 17, beginning on line 32 of the amendment, after "(1)" strike all material through "(2)" on line 35

Renumber the remaining subsections consecutively.

On page 18, beginning on line 3 of the amendment, after "(4)" strike all material through "(5)" on line 5

Renumber the remaining subsections consecutively.

On page 18, beginning on line 6 of the amendment, after "28A.02.090;" strike all material through "(7)" on line 9 and insert "and

(6)"

Senators Hobbs and Litzow spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hobbs and Litzow on page 1, line 9 to the striking amendment to Substitute Senate Bill No. 5753.

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

MOTION

Senator Tom moved that the following amendment by Senators Tom and Hobbs to the striking amendment be adopted.

On page 17, after line 29, insert the following:

"Sec. 11. RCW 28A.345.020 and 1969 ex.s. c 223 s 28A.61.020 are each amended to read as follows:

The membership of the school directors' association (~~shall~~) may comprise the members of the boards of directors of the school districts of the state.

Sec. 12. RCW 28A.345.050 and 1983 c 187 s 2 are each amended to read as follows:

The school directors' association may establish a graduated schedule of dues for members of the association based upon the number of certificated personnel in each district. Dues shall be established for the directors of each district as a group. The total of all dues assessed shall not exceed twenty-seven cents for each one thousand dollars of the statewide total of all school districts' general fund receipts. The board of directors of a school district shall make provision for payment out of the general fund of the district of the dues of association members resident in the district, which payment shall be made in the manner provided by law for the payment of other claims against the general fund of the district. The dues for each member school district shall be due and payable on the first day of January of each year."

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

On page 18, line 19 of the title, after "28A.300.520," insert "28A.345.020, 28A.345.050,"

Senator Tom spoke in favor of adoption of the amendment to the striking amendment.

Senators McAuliffe and Parlette spoke against adoption of the amendment to the striking amendment.

Senator Frockt demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Tom and Hobbs on

page 17, after line 29 to the striking amendment to Substitute Senate Bill No. 5753.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Tom and the amendment was not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Benton, Braun, Brown, Carrell, Ericksen, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Litzow, Padden, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Bailey, Becker, Billig, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Keiser, King, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Parlette, Ranker, Rolfes, Schlicher and Shin

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Litzow as amended to Substitute Senate Bill No. 5753.

The motion by Senator Litzow carried and the striking amendment as amended was adopted by voice vote.

MOTION

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

On page 1, line 1 of the title, after "system;" strike the remainder of the title and insert "amending RCW 28A.150.520, 28A.210.080, 28A.300.118, 28A.300.150, 28A.300.160, 28A.300.405, 28A.300.410, 28A.300.520, 28A.640.020, 28A.655.061, and 39.35D.040; repealing RCW 28A.210.130, 28A.220.050, 28A.220.080, 28A.220.085, 28A.230.150, 28A.300.280, and 28A.320.185; providing an expiration date; and declaring an emergency."

On page 18, beginning on line 17 of the title amendment, after "28A.150.520," strike all material through "28A.300.280," on line 21 and insert "28A.300.118, 28A.300.150, 28A.655.061, and 39.35D.040; repealing RCW 28A.220.050, 28A.220.080, 28A.230.150,"

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute Senate Bill No. 5753 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5753.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5753 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray,

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Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Ericksen, Frockt, Hasegawa and Mullet
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5753, 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.

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Brown, Carrell, Ericksen, Hewitt, Holmquist Newbry, Honeyford, Padden, Parlette, Pearson, Schoesler, Sheldon and Smith

SUBSTITUTE SENATE BILL NO. 5332, 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. 5332, by Senators Roach, Nelson, Rolfes, Conway, Fain and Delvin

Modifying the percentage of votes required to approve benefit charges for fire protection districts. Revised for 1st Substitute: Modifying the percentage of votes required to continue benefit charges for fire protection districts.

REMARKS BY THE PRESIDENT

President Owen: "Senator Benton, I don't know if it's worth spending any time on but to me semantics have some importance in this process. We use this term 'adopted.' You're not adopting the substitute. Merely what you're doing is saying is your saying is, you're going to consider this bill instead of the original bill. Until the bill is passed it's not adopted."

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5332 was substituted for Senate Bill No. 5332 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5332 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach, Mullet and Hasegawa spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

SECOND READING

SENATE BILL NO. 5105, by Senators Dammeier, Harper and Pearson

Asserting conditions under which the department of corrections provides rental vouchers to a registered sex offender. Revised for 2nd Substitute: Addressing conditions under which the department of corrections provides rental vouchers to an offender.

The measure was read the second time.

PARLIAMENTARY INQUIRY

Senator Benton: "Is the substitute bill, was the substitute adopted in the committee or did we adopt the substitute here on the floor?"

MOTION

On motion of Senator Dammeier, Second Substitute Senate Bill No. 5105 was not substituted for Senate Bill No. 5105 and the second substitute bill was not adopted by a voice vote.

REPLY BY THE PRESIDENT

President Owen: "The committee adopts it as a recommendation to the floor, then the floor adopts the substitute. When I say adopt the substitute they place it before you."

MOTION

Senator Dammeier moved that the following striking amendment by Senators Carrell, Dammeier and Darneille be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.729 and 2011 1st sp.s. c 40 s 4 are each amended to read as follows:

(1)(a) The term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and adopted by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits.

(b) Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. The department may approve a jail certification from a correctional agency that calculates earned release time based on the actual amount of confinement time served by the offender before sentencing when an erroneous calculation of confinement time served by the offender before sentencing appears on the judgment and sentence.

PARLIAMENTARY INQUIRY

Senator Benton: "Ok, we've adopted it here on the floor?"

REPLY BY THE PRESIDENT

President Owen: "Yes."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5332.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5332 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hill, Hobbs, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Ranker, Rivers, Roach, Rolfes, Schlicher, Shin and Tom

(2) An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(3) An offender may earn early release time as follows:

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence.

(b) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(c) An offender is qualified to earn up to fifty percent of aggregate earned release time if he or she:

(i) Is not classified as an offender who is at a high risk to reoffend as provided in subsection (4) of this section;

(ii) Is not confined pursuant to a sentence for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(iii) Has no prior conviction for the offenses listed in (c)(ii) of this subsection;

(iv) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(v) Has not committed a new felony after July 22, 2007, while under community custody.

(d) In no other case shall the aggregate earned release time exceed one-third of the total sentence.

(4) The department shall perform a risk assessment of each offender who may qualify for earned early release under subsection (3)(c) of this section utilizing the risk assessment tool recommended by the Washington state institute for public policy. Subsection (3)(c) of this section does not apply to offenders convicted after July 1, 2010.

(5)(a) A person who is eligible for earned early release as provided in this section and who will be supervised by the department pursuant to RCW 9.94A.501 or 9.94A.5011, shall be transferred to community custody in lieu of earned release time;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The

department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department is unable to approve the offender's release plan, the department may do one or more of the following:

(i) Transfer an offender to partial confinement in lieu of earned early release for a period not to exceed three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in RCW 9.94A.728(5);

(ii) Provide rental vouchers to the offender for a period not to exceed three months if rental assistance will result in an approved release plan. ~~((The))~~ A voucher must be provided in conjunction with additional transition support programming or services that enable an offender to participate in services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming;

(e) The department shall maintain a list of housing providers that meets the requirements of section 2 of this act. A rental voucher may only be paid to a housing provider on the department's list;

(f) For each offender who is the recipient of a rental voucher, the department shall ~~((include, concurrent with the data that the department otherwise obtains and records, the housing status of the offender for the duration of the offender's supervision))~~ gather data as recommended by the Washington state institute for public policy in order to best demonstrate whether rental vouchers are effective in reducing recidivism.

(6) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

NEW SECTION. Sec. 2. A new section is added to chapter 72.09 RCW to read as follows:

(1) A housing provider may be placed on a list with the department to receive rental vouchers under RCW 9.94A.729 in accordance with the provisions of this section.

(2) The department shall give preference to housing providers that provide a small, family oriented, living environment. For living environments with between four and eight beds, or a greater number of individuals if permitted by local code, the department shall provide transition support that verifies an offender is participating in programming or services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, development of positive living skills, or employment programming. In addition, when selecting housing providers, the department shall consider the compatibility of the proposed offender housing with the surrounding neighborhood and underlying zoning. The department shall adopt procedures to limit the concentration of housing providers who provide housing to sex offenders in a single neighborhood or area.

(3)(a) The department shall provide the local law and justice council or other designated county authority, and a city's chief law enforcement officer if such housing is located within a city, with notice any time a housing provider or new housing location is added to the list within that county.

(b) The notice shall include a community impact statement that has been developed in collaboration with the county and city local governments. The community impact statement shall include the number and location of other special needs housing in the neighborhood and a review of services and supports in the area to assist offenders in their transition. When developing the community impact statement, the department shall utilize information gathered and provided by the local government to the extent that it is available.

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(4) If a certificate of inspection, as provided in RCW 59.18.125, is required by local regulation and the local government does not have a current certificate of inspection on file, the local government shall have ten business days from the later of (a) receipt of notice from the department as provided in subsection (3) of this section; or (b) from the date the local government is given access to the dwelling unit to conduct an inspection or reinspection to issue a certificate. This section is deemed satisfied if a local government does not issue a timely certificate of inspection.

(5)(a) If, within ten business days of receipt of a notice from the department of a new location or new housing provider, the county or city determines that the housing is in a neighborhood with an existing concentration of special needs housing, including retirement homes, assisted living, emergency or transitional housing, or adult family homes, the county or city may request the new location or new housing provider be removed from the list.

(b) This subsection does not apply to housing providers approved by the department to receive rental vouchers on the effective date of this section.

(6) The county or city may at any time request a housing provider be removed from the list if it provides information to the department that:

(a) It has determined that the housing does not comply with state and local fire and building codes or applicable zoning and development regulations in effect at the time the housing provider first began receiving housing vouchers; or

(b) The housing provider is not complying with the provisions of this section.

(7) After receiving a request to remove a housing provider from the county or city, the department shall immediately notify the provider of the concerns and request that the provider demonstrate that it is in compliance with the provisions of this section. If, after ten days' written notice, the housing provider cannot demonstrate to the department that it is in compliance with the reasons for the county's or city's request for removal, the department shall remove the housing provider from the list.

(8) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for assisting a housing provider in the removal of an offender from the premises as provided in this section.

(9) A housing provider who provides housing pursuant to this section is not liable for civil damages arising from the criminal conduct of an offender to any greater extent than a regular tenant, and no special duties are created under this section."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Carrell, Dammeier and Darneille to Senate Bill No. 5105.

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

MOTION

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "conditions under which the department of corrections provides rental vouchers to an offender; amending RCW 9.94A.729; and adding a new section to chapter 72.09 RCW."

MOTION

On motion of Senator Dammeier, the rules were suspended, Engrossed Senate Bill No. 5105 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5105.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5105 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SENATE BILL NO. 5105, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5748, by Senator Roach

Extending contribution limits to candidates for public hospital district boards of commissioners.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5748 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5748.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5748 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5748, 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. 5088, by Senators Benton, Rivers, Holmquist Newbry, Honeyford and Becker

Concerning the equal distribution of votes within certain taxing districts. Revised for 1st Substitute: Addressing the establishment of high capacity transportation corridor areas.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5088 was substituted for Senate Bill No. 5088 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5088 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Eide, Cleveland and Murray spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5088.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5088 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

SUBSTITUTE SENATE BILL NO. 5088, 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 JOINT MEMORIAL NO. 8005, by Senators Hargrove, King, Sheldon, Eide, Hobbs, Hatfield, Benton, Padden, Shin and Chase

Requesting that state route number 117 be designated as the POW/MIA Memorial Highway.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Joint Memorial No. 8005 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Hargrove, Shin and King spoke in favor of passage of the memorial.

MOTION

On motion of Senator Frockt, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8005.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8005 and the memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senator Kline

SENATE JOINT MEMORIAL NO. 8005, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5329, by Senators Litzow, Hobbs, Fain, Hatfield, Tom, Frockt and Roach

Creating the state superintendent school district. Revised for 2nd Substitute: Assisting persistently lowest-achieving schools to become more accountable.

MOTION

On motion of Senator Litzow, Second Substitute Senate Bill No. 5329 was substituted for Senate Bill No. 5329 and the second substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 2, line 9, after "By" strike "June 1, 2013" and insert "December 1, 2013"

On page 2, line 30, after "28A.657.100" insert ", to the extent state funding is provided to support the process"

On page 12, line 25, after "release" insert "and the required action district has received adequate federal or state funding for three years to implement one of the intervention models as determined by the office of the superintendent of public instruction"

On page 14, after line 23, strike all of section 11 and insert the following:

"NEW SECTION. Sec. 11. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2013, in the omnibus appropriations act, this act is null and void."

Senators Billig, Litzow and Frockt spoke in favor of adoption of the amendment.

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The President declared the question before the Senate to be the adoption of the amendment by Senators Billig and Litzow on page 2, line 9 to Second Substitute Senate Bill No. 5329.

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

MOTION

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

On page 1, beginning on line 4 of the title, after "RCW;" strike the remainder of the title and insert "creating new sections" providing an effective date; and providing an expiration date."

MOTION

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

On page 14, after line 27, after "takes effect immediately" insert a new section:

"**NEW SECTION. Sec. 12.** If a minimum of \$10,000,000 general fund-state appropriation for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2013, in the 2013-15 biennial omnibus appropriations act, this act is null and void."

WITHDRAWAL OF AMENDMENT

On motion of Senator Frockt, the amendment by Senator Frockt and others on page 14, line 27 to Second Substitute Senate Bill No. 5329 was withdrawn.

MOTION

Senator Litzow moved that the following amendment by Senators Litzow and Tom be adopted:

On page 1, beginning on line 1 of the title, after "to" strike all material through "accountable" on line 2, and insert "transforming persistently failing schools"

Senator Litzow spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Litzow and Tom on page 1, line 1 to Second Substitute Senate Bill No. 5329.

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

MOTION

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

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that in 2010 an accountability system was created for the Washington public schools, which was to be implemented in two phases. The first phase used federal guidelines to designate the persistently lowest-achieving schools that were eligible for federal Title I funds to apply for a federal school improvement grant to implement federal intervention strategies to improve student performance. The system was initially voluntary but a required action process was to begin in 2011. The legislature further finds that under the required action process four of the persistently lowest-achieving schools that were on a downward trend were offered the opportunity to use the federal school improvement grants to take required actions. The legislature further finds that the Renton and Onalaska

school districts show promising improvement that other districts can build upon. The legislature intends to implement phase two of the accountability process beginning in the 2013-14 school year with the ten most persistently lowest-achieving schools.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.657 RCW to read as follows:

(1) By June 1, 2013, the office of the superintendent of public instruction must identify the ten most persistently lowest-achieving schools using the student results on the statewide reading and mathematics assessments.

(2) A school district with at least one school identified as one of the ten most persistently lowest-achieving schools shall be designated as a required action district.

(3) The superintendent of public instruction shall provide each required action school district superintendent with written notice by certified mail or personal service of the identification of the school within the district as one of the most persistently lowest-achieving schools causing the district to be designated a required action district.

(4) A district designated as a required action district must notify all parents of students attending a school identified as one of the most persistently lowest-achieving schools in the district, the designation of the district as a required action district, and the process for complying with the requirements in RCW 28A.657.040 through 28A.657.100.

(5) Each required action district designated under this section must follow the process and comply with the requirements in RCW 28A.657.040 through 28A.657.100.

Sec. 3. RCW 28A.657.050 and 2012 c 53 s 10 are each amended to read as follows:

(1) The local district superintendent and local school board of a school district designated as a required action district must submit a required action plan to the state board of education for approval. Unless otherwise required by subsection (3) of this section, the plan must be submitted under a schedule as required by the state board. A required action plan must be developed in collaboration with administrators, teachers, and other staff, parents, unions representing any employees within the district, students, and other representatives of the local community. The superintendent of public instruction shall provide a district with assistance in developing its plan if requested. The school board must conduct a public hearing to allow for comment on a proposed required action plan. The local school district shall submit the plan first to the office of the superintendent of public instruction to review and approve that the plan is consistent with federal guidelines. After the office of the superintendent of public instruction has approved that the plan is consistent with federal guidelines, the local school district must submit its required action plan to the state board of education for approval.

(2) A required action plan must include all of the following:

(a) Implementation of one of the four federal intervention models required for the receipt of a federal school improvement grant, for those persistently lowest-achieving schools that the district will be focusing on for required action. However, a district may not establish a charter school under a federal intervention model without express legislative authority, unless the district is designated a required action district in accordance with section 2 of this act. If a required action district chooses to establish a charter school as the intervention model, then the charter school that is established counts towards the maximum number of charter schools that may be established in accordance with RCW 28A.710.150. The intervention models are the turnaround, restart, school closure, and transformation models. The intervention model selected must address the concerns raised in the academic performance audit and be intended to improve student performance to allow a school

district to be removed from the list of districts designated as a required action district by the state board of education within three years of implementation of the plan;

(b) Submission of an application for a federal school improvement grant or a grant from other federal funds for school improvement to the superintendent of public instruction, except that a district designated as a required action district in accordance with section 2 of this act shall receive the state funds appropriated for this purpose;

(c) A budget that provides for adequate resources to implement the federal model selected and any other requirements of the plan;

(d) A description of the changes in the district's or school's existing policies, structures, agreements, processes, and practices that are intended to attain significant achievement gains for all students enrolled in the school and how the district intends to address the findings of the academic performance audit; and

(e) Identification of the measures that the school district will use in assessing student achievement at a school identified as a persistently lowest-achieving school, which include improving mathematics and reading student achievement and graduation rates as defined by the office of the superintendent of public instruction that enable the school to no longer be identified as a persistently lowest-achieving school.

(3)(a) For any district designated for required action, the parties to any collective bargaining agreement negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW after June 10, 2010, and for a school district designated a required action district in accordance with section 2 of this act after the effective date of this section, must reopen the agreement, or negotiate an addendum, if needed, to make changes to terms and conditions of employment that are necessary to implement a required action plan. For any district applying to participate in a collaborative schools for innovation and success pilot project under RCW 28A.630.104, the parties to any collective bargaining agreement negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW after June 7, 2012, must reopen the agreement, or negotiate an addendum, if needed, to make changes to terms and conditions of employment that are necessary to implement an innovation and success plan.

(b) If the school district and the employee organizations are unable to agree on the terms of an addendum or modification to an existing collective bargaining agreement, the parties, including all labor organizations affected under the required action plan, shall request the public employment relations commission to, and the commission shall, appoint an employee of the commission to act as a mediator to assist in the resolution of a dispute between the school district and the employee organizations. Beginning in 2011, and each year thereafter, mediation shall commence no later than April 15th. All mediations held under this section shall include the employer and representatives of all affected bargaining units.

(c) If the executive director of the public employment relations commission, upon the recommendation of the assigned mediator, finds that the employer and any affected bargaining unit are unable to reach agreement following a reasonable period of negotiations and mediation, but by no later than May 15th of the year in which mediation occurred, the executive director shall certify any disputed issues for a decision by the superior court in the county where the school district is located. The issues for determination by the superior court must be limited to the issues certified by the executive director.

(d) The process for filing with the court in this subsection (3)(d) must be used in the case where the executive director certifies issues for a decision by the superior court.

(i) The school district shall file a petition with the superior court, by no later than May 20th of the same year in which the issues were certified, setting forth the following:

(A) The name, address, and telephone number of the school district and its principal representative;

(B) The name, address, and telephone number of the employee organizations and their principal representatives;

(C) A description of the bargaining units involved;

(D) A copy of the unresolved issues certified by the executive director for a final and binding decision by the court; and

(E) The academic performance audit that the office of the superintendent of public instruction completed for the school district in the case of a required action district, or the comprehensive needs assessment in the case of a collaborative schools for innovation and success pilot project.

(ii) Within seven days after the filing of the petition, each party shall file with the court the proposal it is asking the court to order be implemented in a required action plan or innovation and success plan for the district for each issue certified by the executive director. Contemporaneously with the filing of the proposal, a party must file a brief with the court setting forth the reasons why the court should order implementation of its proposal in the final plan.

(iii) Following receipt of the proposals and briefs of the parties, the court must schedule a date and time for a hearing on the petition. The hearing must be limited to argument of the parties or their counsel regarding the proposals submitted for the court's consideration. The parties may waive a hearing by written agreement.

(iv) The court must enter an order selecting the proposal for inclusion in a required action plan that best responds to the issues raised in the school district's academic performance audit, and allows for the award of a federal school improvement grant or a grant from other federal or state funds for school improvement to the district from the office of the superintendent of public instruction to implement one of the four federal intervention models. In the case of an innovation and success plan, the court must enter an order selecting the proposal for inclusion in the plan that best responds to the issues raised in the school's comprehensive needs assessment. The court's decision must be issued no later than June 15th of the year in which the petition is filed and is final and binding on the parties; however the court's decision is subject to appeal only in the case where it does not allow the school district to implement a required action plan consistent with the requirements for the award of a federal school improvement grant or other federal or state funds for school improvement by the superintendent of public instruction.

(e) Each party shall bear its own costs and attorneys' fees incurred under this statute.

(f) Any party that proceeds with the process in this section after knowledge that any provision of this section has not been complied with and who fails to state its objection in writing is deemed to have waived its right to object.

(4) All contracts entered into between a school district and an employee must be consistent with this section and allow school districts designated as required action districts to implement one of the four federal models in a required action plan.

Sec. 4. RCW 28A.657.050 and 2010 c 235 s 105 are each amended to read as follows:

(1) The local district superintendent and local school board of a school district designated as a required action district must submit a required action plan to the state board of education for approval. Unless otherwise required by subsection (3) of this section, the plan must be submitted under a schedule as required by the state board. A required action plan must be developed in collaboration with administrators, teachers, and other staff, parents, unions representing any employees within the district, students, and other representatives of the local community. The superintendent of public instruction shall provide a district with assistance in developing its plan if requested. The school board must conduct a public hearing to allow for comment on a proposed required action

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plan. The local school district shall submit the plan first to the office of the superintendent of public instruction to review and approve that the plan is consistent with federal guidelines. After the office of the superintendent of public instruction has approved that the plan is consistent with federal guidelines, the local school district must submit its required action plan to the state board of education for approval.

(2) A required action plan must include all of the following:

(a) Implementation of one of the four federal intervention models required for the receipt of a federal school improvement grant, for those persistently lowest-achieving schools that the district will be focusing on for required action. However, a district may not establish a charter school under a federal intervention model without express legislative authority, unless the district is designated a required action district in accordance with section 2 of this act. If a required action district chooses to establish a charter school as the intervention model, then the charter school that is established counts towards the maximum number of charter schools that may be established in accordance with RCW 28A.710.150. The intervention models are the turnaround, restart, school closure, and transformation models. The intervention model selected must address the concerns raised in the academic performance audit and be intended to improve student performance to allow a school district to be removed from the list of districts designated as a required action district by the state board of education within three years of implementation of the plan;

(b) Submission of an application for a federal school improvement grant or a grant from other federal funds for school improvement to the superintendent of public instruction, except that a district designated as a required action district in accordance with section 2 of this act shall receive the state funds appropriated for this purpose;

(c) A budget that provides for adequate resources to implement the federal model selected and any other requirements of the plan;

(d) A description of the changes in the district's or school's existing policies, structures, agreements, processes, and practices that are intended to attain significant achievement gains for all students enrolled in the school and how the district intends to address the findings of the academic performance audit; and

(e) Identification of the measures that the school district will use in assessing student achievement at a school identified as a persistently lowest-achieving school, which include improving mathematics and reading student achievement and graduation rates as defined by the office of the superintendent of public instruction that enable the school to no longer be identified as a persistently lowest-achieving school.

(3)(a) For any district designated for required action, the parties to any collective bargaining agreement negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW after June 10, 2010, and for a school district designated a required action district in accordance with section 2 of this act after the effective date of this section, must reopen the agreement, or negotiate an addendum, if needed, to make changes to terms and conditions of employment that are necessary to implement a required action plan.

(b) If the school district and the employee organizations are unable to agree on the terms of an addendum or modification to an existing collective bargaining agreement, the parties, including all labor organizations affected under the required action plan, shall request the public employment relations commission to, and the commission shall, appoint an employee of the commission to act as a mediator to assist in the resolution of a dispute between the school district and the employee organizations. Beginning in 2011, and each year thereafter, mediation shall commence no later than April 15th. All mediations held under this section shall include the employer and representatives of all affected bargaining units.

(c) If the executive director of the public employment relations commission, upon the recommendation of the assigned mediator, finds that the employer and any affected bargaining unit are unable to reach agreement following a reasonable period of negotiations and mediation, but by no later than May 15th of the year in which mediation occurred, the executive director shall certify any disputed issues for a decision by the superior court in the county where the school district is located. The issues for determination by the superior court must be limited to the issues certified by the executive director.

(d) The process for filing with the court in this subsection (3)(d) must be used in the case where the executive director certifies issues for a decision by the superior court.

(i) The school district shall file a petition with the superior court, by no later than May 20th of the same year in which the issues were certified, setting forth the following:

(A) The name, address, and telephone number of the school district and its principal representative;

(B) The name, address, and telephone number of the employee organizations and their principal representatives;

(C) A description of the bargaining units involved;

(D) A copy of the unresolved issues certified by the executive director for a final and binding decision by the court; and

(E) The academic performance audit that the office of the superintendent of public instruction completed for the school district.

(ii) Within seven days after the filing of the petition, each party shall file with the court the proposal it is asking the court to order be implemented in a required action plan for the district for each issue certified by the executive director. Contemporaneously with the filing of the proposal, a party must file a brief with the court setting forth the reasons why the court should order implementation of its proposal in the final plan.

(iii) Following receipt of the proposals and briefs of the parties, the court must schedule a date and time for a hearing on the petition. The hearing must be limited to argument of the parties or their counsel regarding the proposals submitted for the court's consideration. The parties may waive a hearing by written agreement.

(iv) The court must enter an order selecting the proposal for inclusion in a required action plan that best responds to the issues raised in the school district's academic performance audit, and allows for the award of a federal school improvement grant or a grant from other federal or state funds for school improvement to the district from the office of the superintendent of public instruction to implement one of the four federal intervention models. The court's decision must be issued no later than June 15th of the year in which the petition is filed and is final and binding on the parties; however the court's decision is subject to appeal only in the case where it does not allow the school district to implement a required action plan consistent with the requirements for the award of a federal school improvement grant or other federal or state funds for school improvement by the superintendent of public instruction.

(e) Each party shall bear its own costs and attorneys' fees incurred under this statute.

(f) Any party that proceeds with the process in this section after knowledge that any provision of this section has not been complied with and who fails to state its objection in writing is deemed to have waived its right to object.

(4) All contracts entered into between a school district and an employee must be consistent with this section and allow school districts designated as required action districts to implement one of the four federal models in a required action plan.

Sec. 5. RCW 28A.657.090 and 2010 c 235 s 109 are each amended to read as follows:

A school district must implement a required action plan upon approval by the state board of education. The office of ~~((the))~~ the superintendent of public instruction must provide the required action district with technical assistance and federal school improvement grant funds or other federal funds for school improvement, if available, or state funds, to implement an approved plan. The district must submit a report to the superintendent of public instruction that provides the progress the district is making in meeting the student achievement goals based on the state's assessments, identifying strategies and assets used to solve audit findings, and establishing evidence of meeting plan implementation benchmarks as set forth in the required action plan.

Sec. 6. RCW 28A.657.100 and 2010 c 235 s 110 are each amended to read as follows:

(1) The superintendent of public instruction must provide a report twice per year to the state board of education regarding the progress made by all school districts designated as required action districts.

(2) The superintendent of public instruction must recommend to the state board of education that a school district be released from the designation as a required action district after the district implements a required action plan for a period of three years; has made progress, as defined by the superintendent of public instruction, in reading and mathematics on the state's assessment over the past three consecutive years; and no longer has a school within the district identified as persistently lowest-achieving. The state board shall release a school district from the designation as a required action district upon confirmation that the district has met the requirements for a release.

(3) If the state board of education determines that the required action district has not met the requirements for release, ~~((the district remains in required action and must submit a new or revised plan under the process in RCW 28A.657.050))~~ office of the superintendent of public instruction shall review the actions taken in accordance with the required action process and create a new three-year plan with the school district board of directors to be implemented by the office of the superintendent of public instruction using a management structure chosen by the superintendent of public instruction.

(4) If at the end of the three-year plan instituted in accordance with subsection (3) of this section the state board of education determines that the required action district has not made sufficient improvement as determined by the office of the superintendent of public instruction, the school must be closed and the students assigned to another school, unless there is no viable option to accommodate the students due to lack of capacity or inability to provide equitable access to educational programs and services.

NEW SECTION. Sec. 7. The sum of ten million dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2014, from the general fund to the office of the superintendent of public instruction for equal distribution to each of the ten school districts identified in section 2 of this act to implement this act.

NEW SECTION. Sec. 8. Section 3 of this act expires June 30, 2019.

NEW SECTION. Sec. 9. Section 4 of this act takes effect June 30, 2019.

NEW SECTION. Sec. 10. Section 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "accountable;" strike the remainder of the title and insert "amending RCW 28A.657.050, 28A.657.050, 28A.657.090, and 28A.657.100; adding a new section to chapter 28A.657 RCW; creating a new section; making an appropriation; providing an effective date; providing expiration dates; and declaring an emergency."

Senators Billig and Frockt spoke in favor of adoption of the striking amendment.

Senator Litzow spoke against adoption of the striking amendment.

MOTION

Senator Billig moved that the following amendment by Senator Billig to the striking amendment be adopted:

On page 1, line 22, after "By" strike "June 1, 2013" and insert "December 1, 2013"

On page 2, line 15 , after "28A.657.100" insert ", to the extent state funding is provided to support the process"

On page 10, line 34, after "release" insert "and the required action district has received adequate federal or state funding for three years to implement one of the intervention models as determined by the office of the superintendent of public instruction"

On page 11, after line 23, strike all of section 11 and insert the following:

"NEW SECTION. Sec. 11. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2013, in the omnibus appropriations act, this act is null and void."

Senator Billig spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Billig on page 1, line 22 to the striking amendment to Second Substitute Senate Bill No. 5329.

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Billig as amended to Second Substitute Senate Bill No. 5329.

Senator Frockt demanded a roll call.

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

Senators Billig and Rolfes spoke in favor of the adoption of the striking amendment as amended.

Senator Litzow spoke against adoption of the striking amendment as amended.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Billig as amended was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hargrove, Harper, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeyer, Ericksen, Fain, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

MOTION

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

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On page 12, beginning on line 4 of the title, after "RCW;" strike the remainder of the title and insert "creating new sections; providing and effective date" and providing an expiration date."

MOTION

On motion of Senator Litzow, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5329 was advanced to third and the bill was placed on final passage.

Senators Litzow, Billig, Frockt and Mullet spoke in favor of passage of the bill.

Senator Rolfes spoke on final passage of the bill.

Senators McAuliffe and Ranker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5329.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5329 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Dammeier, Ericksen, Fain, Frockt, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, Mullet, Parlette, Pearson, Rivers, Roach, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Chase, Cleveland, Conway, Darneille, Eide, Fraser, Hargrove, Harper, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Nelson, Padden, Ranker, Rolfes and Shin

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5329, 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. 5774, by Senators Hewitt, Holmquist Newbry, McAuliffe, Bailey, Keiser, Conway, Schoesler, Kohl-Welles, Mullet and Kline

Authorizing applications for a special permit to allow alcohol tasting by persons nineteen and twenty years of age under certain circumstances. Revised for 1st Substitute: Authorizing applications for a special permit to allow alcohol tasting by persons at least eighteen years of age under certain circumstances.

MOTIONS

On motion of Senator Hewitt, Substitute Senate Bill No. 5774 was substituted for Senate Bill No. 5774 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hewitt, the rules were suspended, Substitute Senate Bill No. 5774 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

POINT OF INQUIRY

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Senator Hargrove: "Would Senator Hewitt yield to a question? So can you tell me how they're going to enforce the non-consumption through the spitting?"

Senator Hewitt: "I actually can Senator. They have what we call a sip and spit police. They will measure what goes in and what comes out."

Senators Hargrove and Roach spoke against passage of the bill.

Senator Holmquist Newbry spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5774.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5774 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Ericksen, Fain, Fraser, Frockt, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Ranker, Rivers, Rolfes, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Carrell, Darneille, Eide, Hargrove, Pearson, Roach and Schlicher

SUBSTITUTE SENATE BILL NO. 5774, 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 4:19 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:23 p.m. by President Owen.

MOTION

On motion of Senator Billig, Senators Frockt and Shin were excused.

SECOND READING

SENATE BILL NO. 5138, by Senators Parlette and Hargrove

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

MOTION

On motion of Senator Parlette, Substitute Senate Bill No. 5138 was substituted for Senate Bill No. 5138 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that Washington state uses debt financing to meet many of its essential capital and transportation needs. This debt capacity is limited by the amount of discretionary state government operating and transportation revenues available to repay the debt. A comprehensive approach to manage the state's debt capacity will help guide Washington's policymakers' choices about the amounts, types, and uses of debt financing.

NEW SECTION. Sec. 2. A new section is added to chapter 39.42 RCW to read as follows:

(1) The state finance committee shall advise and make recommendations to the governor and the legislature on the levels and types of state debt to be authorized to fund essential capital and transportation projects while protecting the state's credit rating, maintaining financial market access, and also preserving future budgetary flexibility.

(2) The state finance committee's recommendations must take at least the following into consideration:

(a) The overall amount of all types of debt issued by or on behalf of the state as reflected in the debt affordability study prepared annually by the state treasurer; and

(b) The impact of planned and proposed debt issuance on the state's ability to access the bond market and the cost of those borrowings.

(3) On or before November 1st of each year, they must recommend the following:

(a) The level of various purpose general obligation debt service payments as a percentage of general state revenue;

(b) The level of various purpose general obligation debt to be authorized for the following biennium when taking into account:

(i) Capital needs for that biennium;

(ii) Projected capital needs reflected in the ten-year capital project plan;

(iii) Debt capacity with respect to the constitutional debt limit for that biennium;

(iv) Projected constitutional debt capacity for the following four biennia; and

(v) The economic, revenue, and interest rate forecast;

(c) The amount of other methods of financing, including but not limited to limited obligation debt backed by specific revenues and debt issued pursuant to chapter 39.94 RCW, that is available to fund capital projects when taking into account the factors set forth in (b) of this subsection;

(d) The level of motor vehicle fuel tax general obligation debt service payments as a percentage of current and projected motor vehicle fuel tax revenues, taking into consideration the amount directed to local governments, the amounts needed to pay current debt service, and any other amounts directed to any other lawful source;

(e) The level of motor vehicle fuel tax general obligation debt to be authorized for the following biennium when taking into account:

(i) The transportation needs for the following biennium according to the transportation plan;

(ii) The projected transportation needs as reflected in the transportation plan; and

(iii) The motor vehicle fuel tax capacity available when taking into consideration the amount directed to local governments, the amounts needed to pay current debt service, and any other amounts directed to any other lawful purposes;

(f) The amount of other methods of financing, including but not limited to limited obligation bonds and financings authorized under chapter 47.29 RCW, available to fund transportation projects when

taking into account the factors set forth in (e) of this subsection. A maximum level of debt to be authorized in any bond authorization bill required under section 7 of this act for capital projects; and

(g) A maximum level of debt to be authorized in any bond authorization bill required under section 7 of this act for transportation projects.

(4) The state finance committee must evaluate and include in its recommendations, the following:

(a) The combined impact of issuing the proposed debt as identified in the capital plan and transportation plan on the state's cost of capital;

(b) The combined impact of issuing the proposed debt as identified in the capital plan and the transportation plan on the general fund and the motor vehicle fund; and

(c) The percentage of general state revenues and motor vehicle fuel tax revenues to be obligated to the payment of debt service when taking into consideration all relevant factors.

Sec. 3. RCW 43.88.030 and 2006 c 334 s 43 are each amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The biennial budget document or documents shall also describe performance indicators that demonstrate measurable progress towards priority results. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents must not set forth a proposal that relies on an amount of state debt that exceeds the bond authorization bill required under section 7 of this act. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues and caseloads as approved by the economic and revenue forecast council and caseload forecast council or upon the estimated revenues and caseloads of the office of financial management for those funds, accounts, sources, and programs for which the forecast councils do not prepare an official forecast. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues and caseloads for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue and caseload estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues and caseloads must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, and those anticipated for the ensuing biennium;

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(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, and agency;

(f) The expenditures that include nonbudgeted, nonappropriated accounts outside the state treasury;

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.71 RCW, shown by agency and in total; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures, including debt service required to be paid from any fund for bonds, including payment requirements on projects financed by other methods for the full term of the financing. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments, and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service for bonds and payment requirements for projects financed by other methods for the full term of the financing and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.

(3) The governor's operating budget document or documents shall reflect the statewide priorities as required by RCW 43.88.090.

(4) The governor's operating budget document or documents shall identify activities that are not addressing the statewide priorities.

(5) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;

(b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium

consistent with the long-range facilities plan. Inasmuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium, including debt service required to be paid from any fund for bonds and payment requirements for projects financed by other methods for the full term of the financing;

(d) A strategic plan for reducing backlogs of maintenance and repair projects. The plan shall include a prioritized list of specific facility deficiencies and capital projects to address the deficiencies for each agency, cost estimates for each project, a schedule for completing projects over a reasonable period of time, and identification of normal maintenance activities to reduce future backlogs;

(e) A statement of the reason or purpose for a project;

(f) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(g) A statement about the proposed site, size, and estimated life of the project, if applicable;

(h) Estimated total project cost;

(i) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;

(j) Estimated total project cost for each phase of the project as defined by the office of financial management;

(k) Estimated ensuing biennium costs;

(l) Estimated costs beyond the ensuing biennium, including debt service required to be paid from any fund for bonds and payment requirements for projects financed by other methods for the full term of the financing;

(m) Estimated construction start and completion dates;

(n) Source and type of funds proposed;

(o) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(p) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;

(q) Such other information bearing upon capital projects as the governor deems to be useful;

(r) Standard terms, including a standard and uniform definition of normal maintenance, for all capital projects;

(s) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (5), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and

means committee, legislative evaluation and accountability program committee, and office of financial management.

(6) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

Sec. 4. RCW 43.88.031 and 1991 c 284 s 2 are each amended to read as follows:

A capital appropriation bill shall include the estimated (~~general fund~~) debt service costs from all funds associated with new capital appropriations contained in that bill for the biennia in which the appropriations occur and for the (~~succeeding two biennia~~) full term of the financing.

Sec. 5. RCW 39.42.070 and 2009 c 500 s 1 and 2009 c 479 s 24 are each reenacted and amended to read as follows:

~~(On or after the effective date of this act,)~~ The treasurer shall compute general state revenues for the ((three)) six fiscal years immediately preceding ((such date)) the effective date of this section and shall determine the arithmetic mean thereof. As soon as is practicable after the close of each fiscal year thereafter, he or she shall do likewise. In determining the amount of general state revenues, the treasurer shall include all state money received in the treasury from each and every source ((whatsoever except)), including moneys received from ad valorem taxes levied by the state and deposited in the general fund in each fiscal year, but not including: (1) Fees and other revenues derived from the ownership or operation of any undertaking, facility or project; (2) moneys received as gifts, grants, donations, aid or assistance or otherwise from the United States or any department, bureau or corporation thereof, or any person, firm or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) moneys to be paid into and received from retirement system funds, and performance bonds and deposits; (4) moneys to be paid into and received from trust funds (~~including but not limited to moneys received from taxes levied for specific purposes~~) and the several permanent funds of the state and the moneys derived therefrom but excluding bond redemption funds; (5) moneys received from taxes levied for specific purposes and required to be deposited for those purposes into specified funds or accounts other than the general fund; and (6) proceeds received from the sale of bonds or other evidences of indebtedness. Upon computing general state revenues, the treasurer shall make and file in the office of the secretary of state, a certificate containing the results of such computations. Copies of said certificate shall be sent to each elected official of the state and each member of the legislature. The treasurer shall, at the same time, advise each elected official and each member of the legislature of the current available debt capacity of the state, and may make estimated projections for one or more years concerning debt capacity.

NEW SECTION. Sec. 6. A new section is added to chapter 43.08 RCW to read as follows:

Each year, the treasurer shall cause to be published a debt affordability study that provides an assessment of the state's current debt portfolio and an analysis of the impact of future debt issuance. The study must include but is not limited to: An overview of the

state's outstanding and projected debt; the structure of the debt portfolio; the state's credit rating and peer analysis; the cost of existing debt; sources of funds for interest, principal, or lease payments; and the purposes for which debt instruments and financing contracts are issued. To assist with this work, the office of the state treasurer shall convene and staff a work group to include staff from the fiscal committees of the state house of representatives and state senate and the office of financial management. A copy of the debt affordability study shall be provided to the governor, the legislature, and the state finance committee.

NEW SECTION. Sec. 7. A new section is added to chapter 43.88 RCW to read as follows:

To the extent any budget document or documents set forth a proposal to issue debt, the governor shall also cause to be prepared a bond authorization bill that reflects the amount and type of debt proposed to be issued. In preparing the bond authorization bill, the governor shall take into consideration the state finance committee's recommendations with respect to the level of debt to be issued and not exceed such recommendations.

NEW SECTION. Sec. 8. The following act or parts of acts are each repealed:

- (1) 2011 1st sp.s. c 46 s 1 (uncodified); and
- (2) 2011 1st sp.s. c 46 s 2 (uncodified)."

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

MOTION

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

On page 10, on line 7, after "to issue debt" insert the following: "not previously authorized"

Senator Parlette spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 10, line 7 to the striking amendment to Substitute Senate Bill No. 5138.

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Parlette as amended to Substitute Senate Bill No. 5138.

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

MOTION

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

On page 1, line 1 of the title, after "debt;" strike the remainder of the title and insert "amending RCW 43.88.030 and 43.88.031; reenacting and amending RCW 39.42.070; adding a new section to chapter 39.42 RCW; adding a new section to chapter 43.08 RCW; adding a new section to chapter 43.88 RCW; creating a new section; and repealing 2011 1st sp.s. c 46 ss 1 and 2 (uncodified)."

MOTION

On motion of Senator Parlette, the rules were suspended, Engrossed Substitute Senate Bill No. 5138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Parlette spoke in favor of passage of the bill.

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Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5138.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5138 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senator Hasegawa

Excused: Senators Frockt and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5182, by Senators Carrell, Harper, King, Chase, Smith, Eide, Hobbs and Schlicher

Addressing the disclosure of vehicle owner information.

MOTIONS

On motion of Senator Carrell, Substitute Senate Bill No. 5182 was substituted for Senate Bill No. 5182 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Carrell, the rules were suspended, Substitute Senate Bill No. 5182 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell and Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5182.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5182 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senator Holmquist Newbry

Excused: Senators Frockt and Shin

SUBSTITUTE SENATE BILL NO. 5182, 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. 5843, by Senators Tom, Billig, Hill, Hobbs, Murray, Darneille, Kohl-Welles, Conway and Frockt

Strengthening the review of the legislature's goals for tax preferences by requiring that every new tax preference provide an expiration date and statement of legislative intent.

The measure was read the second time.

MOTION

Senator Tom moved that the following striking amendment by Senators Tom and Billig be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the tax code of Washington state includes tax preferences enacted to achieve a variety of policy goals for the public interest. To measure the effectiveness of a specific tax preference in meeting these goals, the legislature has adopted processes and accountability measures, including such requirements as a tax exemption study in RCW 43.06.400, review by the citizen commission for performance measurement of tax preferences in chapter 43.136 RCW, and taxpayer reporting in chapter 82.32 RCW. In order to make policy choices going forward regarding the best use of limited state resources, the legislature concludes that it is necessary to articulate the legislative intent for each tax preference and enact an expiration date where applicable.

NEW SECTION. Sec. 2. A new section is added to chapter 43.135 RCW to read as follows:

(1) For any bill introduced in either the house of representatives or the senate that adopts a new tax preference or expands or extends an existing tax preference, the bill must include legislative intent provisions, establishing the policy goals and any related metrics that might provide context and/or data for purposes of reviewing the preference under chapter 43.136 RCW.

(2) For purposes of this section, "tax preference" has the same meaning as in RCW 43.136.021.

NEW SECTION. Sec. 3. A new section is added to chapter 82.02 RCW to read as follows:

(1) The legislature must include an expiration date on any applicable tax preference taking effect on or after July 1, 2013.

(2) "Applicable tax preference," for purposes of this section, means any tax preference except for those that clarify an ambiguity or correct a technical inconsistency."

Senators Tom and Billig spoke in favor of adoption of the striking amendment.

Senator Hasegawa spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Tom and Billig to Senate Bill No. 5843.

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

MOTION

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

On page 1, beginning on line 3 of the title, after "provide" strike the remainder of the title and insert "a statement of legislative intent and include an expiration date where applicable; adding a new

section to chapter 43.135 RCW; adding a new section to chapter 82.02 RCW; and creating a new section."

MOTION

On motion of Senator Tom, the rules were suspended, Engrossed Senate Bill No. 5843 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom, Nelson and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5843.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5843 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Frockt and Shin

ENGROSSED SENATE BILL NO. 5843, 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. 5709, by Senators Smith, Ericksen, Sheldon, Holmquist Newbry, Dammeier, Brown and Roach

Concerning a pilot program to demonstrate the feasibility of using densified biomass to heat public schools.

MOTION

On motion of Senator Smith, Substitute Senate Bill No. 5709 was substituted for Senate Bill No. 5709 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 2, line 32, after "system.", insert the following:

"A second public school must be chosen for the pilot program from a rural county bordering Hood Canal, the Olympic National Park, and southern Puget Sound."

Senators Honeyford and Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 32 to Substitute Senate Bill No. 5709.

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

MOTION

On motion of Senator Smith, the rules were suspended, Engrossed Substitute Senate Bill No. 5709 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Smith spoke in favor of passage of the bill.

MOTION

On motion of Senator Harper, Senator Nelson was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5709.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5709 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Frockt, Nelson and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5709, 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. 5199, by Senators Ericksen and Holmquist Newbry

Concerning de facto changes in water rights for irrigation purposes that involved conversion to more efficient irrigation technologies.

MOTIONS

On motion of Senator Hatfield, Second Substitute Senate Bill No. 5199 was substituted for Senate Bill No. 5199 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Second Substitute Senate Bill No. 5199 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ericksen spoke in favor of passage of the bill.

Senator Chase spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5199.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5199 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Cleveland, Dammeier, Darneille, Eide, Ericksen, Fain, Hargrove, Harper, Hatfield, Hewitt, Hill,

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Hobbs, Holmquist Newbry, Honeyford, King, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Chase, Conway, Fraser, Hasegawa, Keiser, Kline and Kohl-Welles

Excused: Senators Frockt, Nelson and Shin

SECOND SUBSTITUTE SENATE BILL NO. 5199, 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. 5732, by Senators Carrell, Darneille, Keiser and Pearson

Concerning the adult behavioral health system in Washington state.

MOTIONS

On motion of Senator Carrell, Second Substitute Senate Bill No. 5732 was substituted for Senate Bill No. 5732 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Carrell, the rules were suspended, Second Substitute Senate Bill No. 5732 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell, Darneille, Hargrove, Keiser, Schlicher and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5732.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5732 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Frockt, Nelson and Shin

SECOND SUBSTITUTE SENATE BILL NO. 5732, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

March 6, 2013

MR. PRESIDENT:
The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1294,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1448,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1563,
SUBSTITUTE HOUSE BILL NO. 1574,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1651,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1675,
ENGROSSED HOUSE BILL NO. 1677,
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 5577, by Senator Carrell

Protecting public employees who act ethically and legally.

MOTION

On motion of Senator Carrell, Substitute Senate Bill No. 5577 was substituted for Senate Bill No. 5577 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 10, line 35, after "if the" strike "auditor" and insert "ethics board"

On page 13, line 33, after "if the" strike "auditor" and insert "ethics board"

On page 14, after line 28, insert the following:

"Sec. 14. RCW 42.40.020 and 2008 c 266 s 2 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Auditor" means the office of the state auditor.

(2) "Employee" means any individual employed or holding office in any department or agency of state government.

(3) "Good faith" means the individual providing the information or report of improper governmental activity has a reasonable basis in fact for reporting or providing the information. An individual who knowingly provides or reports, or who reasonably ought to know he or she is providing or reporting, malicious, false, or frivolous information, or information that is provided with reckless disregard for the truth, or who knowingly omits relevant information is not acting in good faith.

(4) "Gross mismanagement" means the exercise of management responsibilities in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

(5) "Gross waste of funds" means to spend or use funds or to allow funds to be used without valuable result in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

(6)(a) "Improper governmental action" means any action by an employee undertaken in the performance of the employee's official duties:

(i) Which is a gross waste of public funds or resources as defined in this section;

(ii) Which is in violation of federal or state law or rule, if the violation is not merely technical or of a minimum nature;

(iii) Which is of substantial and specific danger to the public health or safety;

(iv) Which is gross mismanagement; or

(v) Which prevents the dissemination of scientific opinion or alters technical findings without scientifically valid justification, unless state law or a common law privilege prohibits disclosure. This provision is not meant to preclude the discretion of agency management to adopt a particular scientific opinion or technical finding from among differing opinions or technical findings to the exclusion of other scientific opinions or technical findings. Nothing in this subsection prevents or impairs a state agency's or public official's ability to manage its public resources or its employees in the performance of their official job duties. This subsection does not apply to de minimis, technical disagreements that are not relevant for otherwise improper governmental activity. Nothing in this provision requires the auditor to contract or consult with external experts regarding the scientific validity, invalidity, or justification of a finding or opinion.

(b) "Improper governmental action" does not include personnel actions, for which other remedies exist, including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the state civil service law, alleged labor agreement violations, reprimands, claims of discriminatory treatment, or any action which may be taken under chapter 41.06 RCW, or other disciplinary action except as provided in RCW 42.40.030.

(7) "Public official" means the attorney general's designee or designees; the director, or equivalent thereof in the agency where the employee works; an appropriate number of individuals designated to receive whistleblower reports by the head of each agency; or the executive ethics board.

(8) "Substantial and specific danger" means a risk of serious injury, illness, peril, or loss, to which the exposure of the public is a gross deviation from the standard of care or competence which a reasonable person would observe in the same situation.

(9) "Use of official authority or influence" includes threatening, taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment including but not limited to duties and office location, reassignment, reinstatement, restoration, reemployment, performance evaluation, determining any material changes in pay, provision of training or benefits, tolerance of a hostile work environment, or any adverse action under chapter 41.06 RCW, or other disciplinary action.

(10)(a) "Whistleblower" means:

(i) An employee who in good faith reports alleged improper governmental action to the auditor or other public official, as defined in subsection (7) of this section, initiating an investigation by the auditor under RCW 42.40.040; or

(ii) An employee who is perceived by the employer as reporting, whether they did or not, alleged improper governmental action to the auditor or other public official, as defined in subsection (7) of this section, initiating an investigation by the auditor under RCW 42.40.040.

(b) For purposes of the provisions of this chapter and chapter 49.60 RCW relating to reprisals and retaliatory action, the term "whistleblower" also means:

(i) An employee who in good faith provides information to the auditor or other public official, as defined in subsection (7) of this section, in connection with an investigation under RCW 42.40.040 and an employee who is believed to have reported asserted improper governmental action to the auditor or other public official, as defined in subsection (7) of this section, or to have provided information to the auditor or other public official, as defined in subsection (7) of this section, in connection with an investigation under RCW 42.40.040 but who, in fact, has not reported such action or provided such information; ~~(☞)~~

(ii) An employee who in good faith identifies rules warranting review or provides information to the rules review committee, and an employee who is believed to have identified rules warranting review or provided information to the rules review committee but who, in fact, has not done so; or

(iii) Any person who is a state employee and who files an ethics complaint as defined in chapter 42.52 RCW."

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

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Carrell and Darneille on page 10, line 35 to Substitute Senate Bill No. 5577.

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

MOTION

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

On page 1, line 3 of the title, after "42.52.420," strike "and 42.52.460" and insert "42.52.460, and 42.40.020"

MOTION

On motion of Senator Carrell, the rules were suspended, Engrossed Substitute Senate Bill No. 5577 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5577.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5577 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist, Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Frockt and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5577, 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.

FIFTY THIRD DAY, MARCH 7, 2013
 SECOND READING

2013 REGULAR SESSION

SENATE BILL NO. 5378, by Senators Benton, Schoesler, Bailey, Carrell, Becker, Holmquist Newbry, Sheldon, Ericksen and Dammeier

SENATE BILL NO. 5437, by Senators Padden, Hargrove, Roach, Kline, Sheldon, Pearson and Chase

Regarding boating safety.

Creating a six-year time frame for substantial building code amendments.

MOTIONS

The measure was read the second time.

On motion of Senator Padden, Substitute Senate Bill No. 5437 was substituted for Senate Bill No. 5437 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Substitute Senate Bill No. 5437 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

On page 2, line 14, after "years", insert "except that the codes may be amended more frequently than every six years to account for embodied energy as defined in RCW 19.27A.140 in a building"
 On page 3, line 13, after "years", insert "except that the energy code may be amended more frequently than every six years to account for embodied energy as defined in RCW 19.27A.140 in a building"

Senators Padden and Kline spoke in favor of passage of the bill.

Senator Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5437.

ROLL CALL

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove and others on page 2, line 14 to Senate Bill No. 5378.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5437 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

MOTION

Excused: Senators Frockt and Shin

On motion of Senator Benton, the rules were suspended, Engrossed Senate Bill No. 5378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

SUBSTITUTE SENATE BILL NO. 5437, 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.

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

Senators Fraser and Mullet spoke against passage of the bill.

SECOND READING

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5378.

SENATE BILL NO. 5315, by Senators Becker, Dammeier, Rivers, Padden and Roach

ROLL CALL

Implementing the recommendations made by the Powell fatality team.

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5378 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 0; Excused, 2.

MOTIONS

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Carrell, Dammeier, Eide, Ericksen, Fain, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Litzow, McAuliffe, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

On motion of Senator Becker, Substitute Senate Bill No. 5315 was substituted for Senate Bill No. 5315 and the substitute bill was placed on the second reading and read the second time.

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Hasegawa, Keiser, Kline, Kohl-Welles, Mullet, Murray, Nelson and Ranker

On motion of Senator Becker, the rules were suspended, Substitute Senate Bill No. 5315 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Excused: Senators Frockt and Shin

ENGROSSED SENATE BILL NO. 5378, 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 President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5315.

ROLL CALL

SECOND READING

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5315 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Frockt and Shin

SUBSTITUTE SENATE BILL NO. 5315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR IMMEDIATE RECONSIDERATION

On motion of Senator Fain, who had voted on the prevailing side, the rules were suspended and the vote by which Engrossed Substitute Senate Bill No. 5577 passed the Senate earlier in the day was immediately reconsidered.

MOTION

On motion of Senator Fain, the rules were suspended and Engrossed Substitute Senate Bill No. 5577 was returned to second reading for the purpose of amendment.

MOTION

On motion of Senator Fain, who had voted on the prevailing side, the rules were suspended and the vote by which the amendment by Senators Carrell and Darneille on page 10, line 35 to Substitute Senate Bill No. 5577 was adopted by the Senate earlier in the day was immediately reconsidered.

Senator Fain spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Carrell and Darneille on page 10, line 35 to Substitute Senate Bill No. 5577.

The motion by Senator Carrell failed and the amendment was not adopted on reconsideration by voice vote.

MOTION

On motion of Senator Fain, further consideration of Substitute Senate Bill No. 5577 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5264, by Senators Benton, Mullet, Baumgartner and Sheldon

Concerning the transportation and storage of certain explosive devices.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5264 was substituted for Senate Bill No. 5264 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5264.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5264 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carrell, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Frockt and Shin

SUBSTITUTE SENATE BILL NO. 5264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:05 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Friday, March 8, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

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